



Crl.O.P.(MD)No.11718 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11718 of 2023 and
Crl.M.P.(MD)Nos.9223 and 9225 of 2023

Manikandan

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
(Crime No.344 of 2019)

... 1st Respondent/Complainant

2.Vinothkumar

... 2nd Respondent/Defacto complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.T.C. No.323 of 2022, on the file of the Learned Judicial Magistrate No.I, Sivagangai and quash the same.

For Petitioner : Mr.C.Senthil Murugan

For Respondent No.1 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This petition is filed seeking quashment of S.T.C. No.323 of



Crl.O.P.(MD)No.11718 of 2023

2022, on the file of the Learned Judicial Magistrate No.I, Sivagangai.

WEB COPY

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.The case of the petitioner is that the petitioner and other accused have illegally assembled and thereby, conducted Bullock Cart Race without obtaining proper permission from the authorities. Hence, a case in Crime No. 344 of 2019 for the offences punishable under Section 143 IPC and Section 11(1)(d) of Prevention of Cruelty to Animals Act, 1960 has been registered against the petitioner. After completing the investigation, the first respondent has filed the final report before the concerned Judicial Magistrate and the same was taken on file in S.T.C.No.323 of 2022. The present petition is filed to quash the S.T.C.No. 323 of 2022 on the file of the learned Judicial Magistrate No.I, Sivagangai.

4. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the petitioner is neither the organizer nor the participants in the competition.

5. Since the FIR is registered on 31.08.2019, as per section 468(2)(b)



CrI.O.P.(MD)No.11718 of 2023

Cr.P.C., within a year Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of three years from the date of FIR (i.e) on 31.08.2019, Final Report has been presented before the concerned Court, which is barred by limitation.

5. It is seen from the records that FIR was registered on 31.08.2019 and the final report has been filed after a period of three years i.e., in the year 2022. Also a petition seeking extension of time under Section 473 Cr.P.C., has also not been filed before the concerned Court.

6. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in S.T.C.No.323 of 2022, pending on the file of the learned Judicial Magistrate No.I, Sivagangai, is hereby quashed as against the petitioner herein. Consequently, the connected Miscellaneous Petitions are closed.

30.06.2023

Index : Yes/No
Internet:Yes/No
trp



Crl.O.P.(MD)No.11718 of 2023

To

WEB COPY

1. The Judicial Magistrate No.I, Sivagangai,
2. The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.11718 of 2023

G.ILANGO VAN, J.,

trp

Crl.O.P.(MD)No.11718 of 2023 and
Crl.M.P.(MD)Nos.9223 and 9225 of 2023

30.06.2023