



Crl.O.P.(MD).No.14483 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:14.12.2023

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).Nos.14483 and 14487 of 2023
and Crl.M.P.(MD).Nos.11395 and 11396 of 2023

Mohamed Ali

... Petitioner in both cases

Vs.

1.The State rep by the
Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.256 of 2020)
and (Crime No.132 of 2020)

2.Prakash

... Respondents in both cases

COMMON PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime Nos.256 and 132 of 2020 on the file of the 1st respondent and quash the same as illegal so far as the petitioner is concerned.



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For Petitioner : Mr.K.Navaneetharaja
For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)
(in both petitions)

ORDER

These Criminal Original Petitions are filed to call for the records pertaining to the First Information Report in Crime Nos.256 and 132 of 2020 on the file of the 1st respondent and quash the same as illegal so far as the petitioner is concerned.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.256 of 2020 for the offences punishable under Sections 188, 269 of IPC and Section 12 of Tamil Nadu Gaming Act, 1930 and in Crime No.132 of 2020 for the offences punishable under Sections 188, 269, 278 of IPC and Section 12 of Tamil Nadu Gaming Act, 1930 against the petitioner. The grievance of the petitioner is that though the cases were registered in the year 2020, so far no final report has been filed before the concerned Court.



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3. The learned Additional Public Prosecutor appearing for the first respondent would submit that on verification with the Investigating Officer, it is revealed that so far no Final Report has been presented before the concerned Court.

4. Heard both sides.

5. It is seen from the records that occurrence took place on 16.04.2020 and 19.06.2023 and till now no Final Report has been filed. Also a petition seeking extension of time under Section 473 Cr.P.C. has also not been filed before the concerned Court.

6. Considering the nature of offence made out against the petitioner, this Court is of the view that since even after a lapse of 3 years, the final report has not been filed before the Concerned Court, it is barred by limitation under Section 468 of Cr.P.C . Therefore, this Court is inclined to allow these petitions.



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7. These criminal original petitions are allowed and the FIR in Crime Nos.256 and 132 of 2020 on the file of the respondent police are hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petitions are closed.

14.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Inspector of Police, Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.256 of 2020)
and (Crime No.132 of 2020)

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA, J.

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