



Crl.O.P.(MD) No.14975 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD) No.14975 of 2023

and

Crl.M.P.(MD)No.11860 of 2023

Subash

... Petitioner

Vs.

1.The Sub Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(In Crime No.437 of 2021)

2.Chandrakanth

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the impugned FIR in Crime No.437 of 2021 on the file of the first respondent Police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.I.Sriharisuriya

For R1 : Mr.SS.Madhavan
Government Advocate (Crl.side)



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ORDER

This petition is filed under Section 482 of Cr.P.C. seeking for quashment of FIR in Crime No.437 of 2021 pending on the file of the first respondent Police.

2. As per respondent Police, on 10.07.2021, the Sub Inspector of Police has given a complaint stating that during the course of patrol duty, he found that the petitioner and others were protesting for non-arrival of buses on time to their village and blocked the road. On the basis of the said complaint, a case was registered for the offences under Sections 143, 341 and 269 of I.P.C. against seven persons in Crime No.437 of 2021, out of which, the petitioner is shown as Accused No.5.

3. It is submitted further that the petitioner is a graduate and he has been trying for employment and at this stage, a false case has been registered against him and submitted that there are no specific allegations against him and the petitioners and others were protesting on 10.07.2021 in a democratic way



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without causing inconvenience to anybody. It is also submitted that though FIR has been registered against the petitioner and other accused on 10.07.2021, however, charge sheet has not been filed even after more than two years, thereby, FIR is required to be quashed on the point of limitation.

4. Learned Government Advocate (Criminal Side), while disputing the submission on facts conceded that the respondent Police have not filed the charge sheet even after two years.

5. FIR is filed against the petitioner and others for the offences under Sections 143, 341 and 269 of I.P.C. Section 143 of I.P.C. deals with the punishment for unlawful assembly for a period of six months with fine or with both. Section 269 of I.P.C. defines the punishment for a person on whose negligent in spreading the infection of dangerous diseases, according to which, the punishment for which may likely to extend six months or fine or with both. Finally, the offence under Section 341 of I.P.C. is in respect of the wrongful restraint and that a person who wrongfully restrained may be convicted for a period of one month or with the maximum of Rs.500 or with both. That means



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even if the investigation found to be against the petitioner, the charge sheet will be filed against the petitioner and others for the offences under Sections 143, 341 and 269 of I.P.C.

6. Taking into consideration the punishments to be imposed under Section 468 of Cr.P.C., according to Section 468, the punishment is six months and the period of limitation shall be six months or one year. The charge sheet has to be filed within one year if the offence is punishable with imprisonment for a term not exceeding one year. As referred above, in the case on hand, the maximum punishment that can be inflicted is six months, therefore, the charge sheet should have been filed by the prosecution within one month, admittedly, two years have already been lapsed were charge sheet has not been filed.

7. In view of the above, without going into further merits, the FIR in Crime No.437 of 2021 is hereby quashed against the petitioner on account of non-filing of charge sheet as prescribed under Section 468 of Cr.P.C.



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8. Accordingly, this Criminal Original Petition is allowed.

Consequently, the connected miscellaneous petition is closed.

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

28.08.2023

tsg

To

- 1.The Sub Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(In Crime No.437 of 2021)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

tsg

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