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Crl.O.P.(MD)No.19457 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.11.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.19457 of 2022

and

Crl.M.P.(MD).No.13232 of 2022

A.Murugan @ Kadukka Murugan

... Petitioner

Vs.

1.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

2.R.Sundaramahalingam,
Sub Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.423/2020 on the file of Rajapalayam North Police Station, Virudhunagar District and quash the same.

For Petitioner : Mr.R.Velmurugan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)



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ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.423 of 2020 on the file of the 1st respondent police.

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.423 of 2020 for the offences punishable under Section 379 of IPC r/w 4(1)(1A) and Section 21(1) of Mines and Minerals Development and Regulation Act, 1975 against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2020, so far no final report has been filed before the concerned Court.

3. The learned Government Advocate(crl.side) 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.



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5. It is seen from the records that occurrence took place on 09.06.2020 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 this petition.

7. Accordingly, this criminal original petition is allowed and the FIR in Crime No.423 of 2020 on the file of the first respondent police is hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petition is closed.

30.11.2023

Index : Yes/No
Internet : Yes/No
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To

- 1.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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