



Crl.O.P.(MD) No.18711 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.18711 of 2023

and

Crl.M.P(MD)No.14792 of 2023

1.Harisankar

2.Sarathkumar

...Petitioner / Accused No.1 & 2

Vs.

1.The State rep. by,
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
(In Crime No.1356/2020)

...1st Respondent / Complainant

2.A.Vinod Kumar

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.1356/2020 on the file of the Inspector of Police, Lalgudi, Police Station, Trichy District and quash the same as illegal.

For Petitioner :Mr.S.B.Kayvin Prince

For Respondent :Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



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ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.1356 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.1356 of 2020 for the offences punishable under Sections 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, against the petitioner. The grievance of the petitioner is that the date of occurrence is stated to be 20.05.2020, so far no final report has been filed before the concerned Court.

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.



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5. It is seen from the records that occurrence took place on 20.05.2020 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 from the date of occurrence till the date of presentation of this petition, final report has not been filed before the Concerned Court, which is barred by limitation under Section 468 of Cr.P.C. Therefore, this Court is inclined to allow this petition.

7. This criminal original petition is allowed and the FIR in Crime No.1356 of 2020 on the file of the respondent police is hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petition stands closed.

18.10.2023

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

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G.ILANGOVAN. J.

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To

- 1.The Inspector of Police, Lalgudi Police Station, Trichy District.
(In Crime No.1356/2020)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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