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Crl.O.P.(MD)No.18957 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.10.2023**

CORAM:

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

Crl.O.P.(MD) No.18957 of 2023

Brapakaran @ Prabakaran

... Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District,
Crime No.80/2021.

... 1st Respondent/Complainant

2. Rajendran

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the final report in STC No. 1783/2022 on the file of the Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District and quash the same as illegal.

For Petitioners : Mr.M.Sivashankar

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side).



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ORDER

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This petition has been filed to call for the records pertaining to the final report in STC No.1783/2022 on the file of the Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District and quash the same as illegal

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.80 of 2021 for the offences punishable under Sections 4A(1a) and 4B of TN Open Place (Prevention of Disfigurement) Act, against the petitioner.

3. This petition has been filed on the ground that the cognizance ought to have been taken by the learned Judicial Magistrate within the time stipulated. The date of First Information Report is 30.03.2021. Even though the Final Report is made ready on 11.04.2021, it was presented before the concerned trial Court on 27.07.2022, it is much after the period of limitation. Without noticing the same, the concerned trial Court took cognizance on 03.08.2022 for the offences under Sections 4A(1a) and 4B of TN Open Places (Prevention of Disfigurement) Act, 1959. On that ground, the matter has become barred by limitation.



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4. Considering that the matter has become barred by limitation, all further proceedings in STC No.1783 of 2022 on the file of the Judicial Magistrate No.I, Ramanathapuram, Ramanathapuram District is quashed.

5. In the result, the Criminal Original Petition stands allowed and the entire proceedings in STC No.1783 of 2022 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, is hereby quashed in respect of the petitioner.

20.10.2023

NCC:Yes/No

Index : Yes/No

Internet : Yes/No

Indu

G.ILANGOVAN. J.

Indu

To



Crl.O.P.(MD)No.18957 of 2023

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

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