



Crl.O.P.(MD)No.21616 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 17.03.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.JLANGOVAN

Crl.O.P.(MD)No.21616 of 2022

K. Thavasi

... Petitioner/Sole Accused

Vs.

1.State Represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai City.
In Crime No.813/2016

...1st Respondent/ Complainant

2.S. Rajaram

...2nd Respondent / Defacto-Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No. 813 of 2016, on the file of the Thallakulam Police Station, Madurai city.

For Petitioner : Mr.R.L.Dhiliphan Pandian

For Respondents : Mr.B. Nambiselvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records and Quash the FIR in Crime No. 813 of 2016, on the file of the Thallakulam Police Station, Madurai city.



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2. The case of the prosecution is that the second respondent/ defacto complainant is working as an Inspector of Police in Armed Reserve, Madurai.

The petitioner also working in Armed Force. On 10.05.2016 at about 5.15 p.m., when the defacto complainant doing his official duty at the office of the Inspector of Police, Armed Reserve, the petitioner came in drunken mode, argued with the defacto complainant and he prevented the defacto complainant discharge his official duty. Hence, the case was registered in Crime No.813 of 2016 has been registered on 10.05.2016, for the offences punishable under Sections 353 IPC and 75(2)(a) of TN City Police Act against the petitioner herein.

3. Seeking quashment of the same, the petitioner has come up with this Criminal Original Petition, mainly on the ground that the offences alleged against the petitioner i.e., the maximum punishment for the offence under Section 353 IPC is two year or with or both and maximum punishment for 75(2)(a) of TN City Police Act is six months or with fine or both. So the cognizance barred by limitation since final report is not filed so far.

4. Since the occurrence took place on 10.05.2016, as per section 468(2) (b) Cr.P.C., within three years Final Report ought to have been filed before the concerned Court. But, in the present case, even after a lapse of more than



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six years from the date of occurrence, Final Report has not yet been presented before the concerned Court, which is barred by limitation.

5. The learned Government Advocate (Criminal 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.

6. Heard both sides.

7. It is seen from the records that occurrence took place on 10.05.2016 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.

8. In view of the forgoing reasons, this Criminal Original Petition is allowed. Case in Crime No.813 of 2016, pending on the file of the Inspector of Police, Thallakulam Police Station, Madurai City, is hereby quashed as against the petitioner herein.

17.03.2023

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



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G.ILANGO VAN, J.,

Indu

To

- 1.The Inspector of Police,
Thallakulam Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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