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Crl.O.P.(MD)No.19920 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.12.2023

CORAM:

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

Crl.O.P.(MD)No.19920 of 2023

and

Crl.M.P.(MD).No.15622 of 2023

Marimuthu

... Petitioner

Vs.

1.The State rep by its,
The Inspector of Police,
KENIKKARAI Police Station,
Ramanathapuram District,
(Crime No.805 of 2016)

2.Vivek

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records in relating to the impugned FIR in Cr.No.805 of 2016 on the file of the first respondent and its consequential proceedings and to quash the same an so far as petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

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



ORDER

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This Criminal Original Petition is filed to call for the entire records in relating to the impugned FIR in Crime No.805 of 2016 on the file of the first respondent and its consequential proceedings and to quash the same an so far as petitioner is concerned.

2. Now the grievance of the petitioner is that he applied for renewal of passport. But because of pendency of this case, it could not be renewed.

3. Report was called for from the from the learned Judicial Magistrate No.II, Ramanathapuram and report is received, stating that so far no Final Report is filed. Alteration report is available in the CD file. It is seen that alteration report is ready, altering the offence under Sections 294(b), 342, 323, 506(i) IPC, but it is not presented before the concerned Court so far. Final report is made ready as early as on 20.11.2016. But so far, it is not presented before the concerned Court.

4. In view of the alteration of offences, it is clearly barred by limitation.



5. Considering the nature of offences made out against the petitioner, this Court is of the view that since even after a lapse of 7 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.

6.This Criminal Original Petition is allowed, without ordering notice to the second respondent and the FIR in Crime No.805 of 2016 on the file of the first respondent Police is hereby quashed. Consequently, connected miscellaneous petition is closed.

08.12.2023

Index : Yes/No
Internet : Yes/No
Indu

To

- 1.The Inspector of Police,
KENIKKARAI Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.19920 of 2023

G.ILANGOVAN. J.

Indu

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