



Crl.O.P.(MD).No.21315 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:28.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21315 of 2023
and Crl.M.P.(MD).No.16667 of 2023

M.Rajkumar

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.416 of 2019)

2.Amshavallli

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the FIR in Crime NO.416 of 2019 dt.07.09.2019 pending on the file of the R1 for an alleged offence under section 4(1) of Tamilnadu Open Places (Prevention of Disfigurement) Act 1959 and Quash the same..

For Petitioner : Mr.T.Thirumurugan

For R1 : Mr.R.M.Anbunithi
Addl.Public Prosecutor
(Crl.side)



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ORDER

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This Criminal Original Petition is filed to call for the records pertaining to the impugned FIR in Crime No. 416/2019 dated 07.09.2019 on the file of the 1st respondent police and to quash the same as illegal in so far as the petitioner is concerned.

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.416 of 2019 for the offences punishable under Sections 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 against the petitioner. The grievance of the petitioner is that though the case was registered in the year 2019, 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 final report was made ready but so far it has not been filed before the concerned Court.

4. Heard both sides.



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5. It is seen from the records that occurrence took place on 04.09.2019 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 4 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. This criminal original petition is allowed and the FIR in Crime No.416 of 2019 on the file of the respondent police is hereby quashed as against the petitioners herein. Consequently, connected miscellaneous petition is also closed.

28.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.ILANGOVA, J.

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To

- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.416 of 2019)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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