



Crl.O.P.(MD).No.22206 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.22206 of 2023
and Crl.M.P.(MD).No.17386 & 17388 of 2023

1. Saravanakumar
2. Parthasarathi

... Petitioners

Vs.

- 1.The State Rep by
The Inspector of Police
Sivagiri Police Station
Tenkasi District.
(In Crime No:57 of 2022)

- 2.Mr.Lasar Edwin Rajasingh

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to the Impugned Final Report filed STC No.469/2023 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri in connection with Crime No.57/2022 on the file of the 1st respondent and quash.

For Petitioner : Mr.Henri Riphagne

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition is filed to call for the entire records pertaining to the STC No.469/2023 on the file of the learned Additional District Munsif cum Judicial Magistrate, Sivagiri in connection with Crime No.57/2022 on the file of the 1st respondent and quash.

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.57 of 2022 for the offences punishable under Sections 4A(1a) of Tamil Nadu Places (Prevention of Disfigurement Act, 1959) against the petitioners. The grievance of the petitioner is that though the case was registered in the year 2022, 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 01.02.2022 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 1-1/2 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.57 of 2022 on the file of the respondent police is hereby quashed as against the petitioners herein. Consequently, connected miscellaneous petitions are closed.

08.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.ILANGO VAN, J.

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To

- 1.The Inspector of Police, Sivagiri Police Station, Tenkasi District.
(In Crime No:57 of 2022)
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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