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Crl.O.P.(MD)No.23117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.23117 of 2023

and

Crl.M.P(MD) No.17993 of 2023

Sivakumar

... Petitioner/1st Accused

Vs.

1.The Inspector of Police,
Jaihindpuram Police Station,
Madurai City.
(Crime No.96 of 2022).

... Respondent No.1 /Complainant

2.Nagarathinam

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for records relating to the FIR in Crime No.96 of 2022, dated 19.02.2022 on the file of the first respondent and quash the same as against the petitioner is concerned.

For Petitioners : Mr.Sathishkumar.K

For R1 and R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)



ORDER

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This petition has been filed seeking to quash the impugned FIR in Crime No.96 of 2022 on the file of the 1st respondent police.

2.The contention of the petitioner is that based on the complaint lodged by the second respondent, the first respondent registered the First Information Report in Crime No.96 of 2022 for the offences punishable under Sections 4A(1a) and 4B 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 2022, so far no final report has been filed before the concerned Court.

3.The learned Government Advocate (Crl. Side) submitted that so far final report has not been filed before the concerned Court.

4.Considering the nature of offence made out against the petitioner, this Court is of the view that since even after a lapse of 1 ½ 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.



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5.This criminal original petition is allowed and the FIR in Crime No.96 of 2022 on the file of the first respondent Police is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

21.12.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
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G.ILANGOVAN. J.

Indu

To

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

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