



CrI.O.P.(MD) No.22915 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.22915 of 2023

Nagarajan

.. Petitioner/Sole Accused

Vs.

1.State of Tamil Nadu,
Rep. by
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
(Crime No.67 of 2021)

.. Respondent/Complainant

2.Sarkunam,
Society Sub Registrar,
Flying Squad,
C2, Team Assembly Consistency,
Ramanathapuram.

.. Respondent/
Defacto Complainant

PRAYER: Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the final report in STC No.2710 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District and quash the same as illegal.



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For Petitioner : Mr.B.Mahendrarajan
For Respondents : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the final report in STC No.2710 of 2022 on the file of the Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District and quash the same as illegal.

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.67 of 2021 for the offences punishable under Sections 4AA(1a) and 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 3-A of Tamil Nadu Town Nuisance Act, 1889 against the petitioner. The grievance of the petitioner is that though the case was registered on 26.03.2021, final report has been filed only on 09.11.2022 before the Judicial Magistrate No.I, Ramanathapuram.



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3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the case was registered on 26.03.2021 and the final report was filed before the concerned Court only on 09.07.2022.

4. Heard both sides.

5. It is seen from the records that occurrence took place on 26.03.2021 but the final report was filed only after one and a half year, before the concerned Court.

6. Considering the nature of offence made out against the petitioner, this Court is of the view that since after a lapse of one and a half years, the final report has 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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7. This Criminal original petition is allowed and the FIR in Crime No.67 of 2021 on the file of the respondent police is hereby quashed as against the petitioner herein.

20.12.2023

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

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To

- 1.The Inspector of Police, Keelakarai Police Station,
Ramanathapuram District. (Crime No.67 of 2021)
- 2.Sarkunam, Society Sub Registrar,
Flying Squad, C2, Team Assembly Consistency,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J.

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