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Crl.O.P.No.4917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.4917 of 2024

R.Indira

... Petitioner

Vs.

1.The State Rep.by
The Sub Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.
Crime No.109 of 2015

2.Dr.Adalarasi

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the entire records pertaining to the FIR in Crime No.109 of 2015 dated 23.03.2015 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.T.Joshua

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

A case has been registered under Section 355 of IPC against this petitioner on 23.03.2015. The complaint given by one Dr.Adalarasi [2nd



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respondent] is now sought to be quashed on the ground that the final report not filed even after lapse of 8 years and therefore, FIR has to be quashed.

2. This Court caused notice to the defacto complainant who is arrayed as 2nd respondent. Despite notice, the 2nd respondent has not chosen to appear in person or through his counsel.

3. The perusal of the complaint indicates that the act of the petitioner herein attract offence punishable under Section 355 of IPC. The said Section reads as below:-

“355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation —

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”



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4. Since the maximum punishment for the said offence is two years, the final report ought to have been filed within a period of three years as per Section 468 (2)(c) of Cr.P.C. Since the final report in this case not yet filed, the learned Government Advocate (CrI.Side) states that due to certain interventening facts like the orders passed by the trial Court remanding the matter for re investigation, final report could not be filed. The reason stated are not convincing to satisfy inordinate delay in filing of final report. Hence this Criminal Original petition is allowed. The FIR in Crime No.109 of 2015 is quashed.

03.07.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Sub Inspector of Police,
Valangaiman Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.

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