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CrI O.P.(MD) No.1680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P (MD) No.1680 of 2024
and CrI. M.P. (MD) Nos.1205 and 1207 of 2024

R.S. Rajakannappan S/o. Samiyapillai
vs.

..... Petitioner

1. State represented by
The Sub Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.

2. Chandra Mohan
Block Development Officer (Village),
Ramanathapuram, FST B3, Team 212,
Mudhukulathur Assembly,
Ramanathapuram District.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,to
call for the records pertaining to the proceedings of S.T.C. No.2487 of
2022 on the file of Judicial Magistrate No.I, Ramanathapuram and quash
the same as against the petitioner.

For Petitioner
For Respondent

: Mr. S. Ramasamy
: Mr. K.M.D. Muhilan
Government Advocate.



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pending in S.T.C. No.2487 of 2022 on the file of Judicial Magistrate No.I, Ramanathapuram and quash the same as against the petitioner.

2. The case of the prosecution is that on 19.03.2021, the 2nd respondent was involved in the routine vehicle check up during election and it was found that the petitioner with his supporters were driving four wheeler vehicles and bursting crackers and canvassing to the voters seeking vote for their political party and thereby violated the Election Code of Conduct. Based on the complaint given by the 2nd respondent, FIR was registered in Cr. No.48 of 2021 for the offences under Sections 143, 286 of IPC and Section 4AA(1b), 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. On completion of investigation, the final report has been filed before the Court below and the same has been taken on the file of learned Judicial Magistrate No.I, Ramanathapuram in S.T. C. No.2487 of 2022.



3. Heard Mr. S. Ramasamy, learned counsel appearing for the petitioner and Mr. K.M.D. Muhilan, Government Advocate (Criminal Side) appearing for the respondent.

4. The main ground taken by the learned counsel appearing for the petitioner is that the offences for which the FIR was registered are punishable with a maximum imprisonment of one year. Hence the final report ought to have been filed within a period of one year. In the instant case, FIR was registered on 19.03.2021 whereas the final report was filed only on 11.08.2022 i.e., beyond the limitation period. The Court below has straight away taken cognizance of the final report even without invoking Section 473 of Cr.P.C. In view of the same, taking cognizance of the case is illegal.

5. The submission of the learned counsel for the petitioner has to be accepted. The final report ought to have been filed within a period of 1 year under Section 468(2)(b) of Cr.P.C. However, it has been filed beyond one year and the Court below without exercising its jurisdiction under Section 473 of Cr.P.C has taken cognizance. Therefore,



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continuation of the criminal proceedings in this case will only result in abuse of process of Court.

6. In the light of the above discussions, proceedings in S.T.C. No.2487 of 2022 on the file of Judicial Magistrate No.I, Ramanathapuram is quashed in entirety. This Criminal Original Petition stands allowed and connected miscellaneous petitions are closed.

23.02.2024

Index : Yes / No
Internet : Yes / No
mjs

To

1. The Judicial Magistrate No.I, Ramanathapuram.

2. The Sub Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.

3. Chandra Mohan
Block Development Officer (Village),
Ramanathapuram, FST B3, Team 212,
Mudhukulathur Assembly,
Ramanathapuram District.

4. The Public Prosecutor, High Court of Madras, Madras-104.



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N.ANAND VENKATESH, J.,

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