



CrI.OP.No.2851 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.OP.No.2851 of 2024
and CrI.M.P.No.2024 of 2024

1. Pradhap Kumar

2. Sunil Kumar

3. Kannan

... Petitioner

Vs.

1. State Rep by
The Inspector of Police,
Chengalpattu Town Police Station,
Paranur, Chengalpattu,
Kancheepuram District, Tamil nadu 603 302

2. Loganathan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in connection with Crime No.328 of 2019 dated 31.08.2019 on the file of 1st respondent.

For Petitioners : Mr.K.Suresh Babu
For RR1 : Mr.A.Damodaran
Additional Public Prosecutor.



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ORDER

Considering the issue that is involved in this petition, the main petition itself is taken up for final hearing.

2. This petition has been filed to quash the FIR in Crime No.328 of 2019 dated 31.08.2019 on the file of 1st respondent.

3. The case of the prosecution is that on an inspection, it was ascertained that some of the cable TV connections have been given to subscribers without seeking for any permission from the authority. When this was enquired by the defacto complainant, the accused persons are said to have caused damage to the two wheeler belonging to the defacto complainant. Based on the complaint given by the 2nd respondent, an FIR came to be registered for offence under Section 341, 188, 323, 427, 506(i) IPC on 31.08.2019.



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4. Heard Mr.K.Suresh Babu, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

5. The learned Additional Public Prosecutor submitted that the investigation has not been completed and no final report has been filed till date.

6. It is not necessary for this Court to go into the allegation made in the FIR. The offence for which the FIR has been registered is punishable for a maximum imprisonment of two years. Hence, the final report ought to have been filed within the time stipulated under Section 468 (2) © of Cr.PC. It is more than four years since the FIR was registered and no final report has been filed. The facts of the present case do not warrant exercising jurisdiction under Section 473 of Cr.PC. Therefore, even if the final report is filed, it will be barred under Section 468 (2) (c) of Cr.PC.



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7. In the light of the above discussion, the FIR in crime No.328 of 2019, is hereby quashed. This Criminal original petition is allowed. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking order : Yes/No

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N.ANAND VENKATESH, J.,

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To

1. State Rep by
The Inspector of Police,
Chengalpattu Town Police Station,
Paranur, Chengalpattu,
Kancheepuram District, Tamil nadu 603 302
2. The Public Prosecutor,
High Court, Madras.

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