



Criminal Original Petition No.3495 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.3495 of 2024

and

Crl.M.P.No.2587 of 2024

N.Gurumoorthy
S/o.Narayanasamy

... Petitioner

Vs.

State represented by
The Sub-Inspector of Police,
E3-Minjur Police Station,
Ponneri Taluk, Tiruvallur District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to quash the First Information Report dated 15.08.2012 in Crime No.406 of 2012 for offences under Sections 147, 148, 294(b), 324, 506(ii) IPC on the file of the respondent police.

For Petitioner : Mr.A.M.D.Mohamed Salih Hussain

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed challenging the First Information Report in Crime No.406 of 2012 pending investigation on the file of the respondent.

2. Heard Mr.A.M.D.Mohamed Salih Hussain, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The case of the prosecution is that the brother of the *de facto* complainant was waylaid on 15.08.2012 and he was abused in filthy language and was threatened and attacked, as a result of which, he sustained injuries. Based on the complaint, the First Information Report came to be registered in Crime No.406 of 2012 for offences u/s.147, 148, 294(b), 324 and 506(ii) IPC.

4. This petition has been filed by A4 seeking to quash the First Information Report.

5. Learned Additional Public Prosecutor, on instructions, submitted



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that the CD file is missing in this case and therefore, there has been absolutely no progress in this case for the last 12 years.

6. A careful reading of the allegations made in the complaint shows that the offences u/s. 147, 148, 294(b), 324 and 506(ii) IPC is *prima facie* made out. These offences are punishable with a maximum imprisonment of three years. Hence, the final report ought to have been filed within three years as provided u/s.468(2)(c) Cr.P.C. However, for the last 12 years, no final report has been filed and the CD file itself is missing. Therefore, even if the investigation is completed and final report is filed, the same will be barred u/s.468 Cr.P.C. Considering the facts and circumstances of the case, it is not a fit case to exercise jurisdiction u/s.473 Cr.P.C. at this length of time.

7. In the light of the above discussion, the First Information Report in Crime No.406 of 2012 pending investigation on the file of the respondent, is quashed in its entirety.

N.ANAND VENKATESH, J.



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Accordingly, this Criminal Original Petition is allowed. Connected
miscellaneous petition is closed.

19.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Sub-Inspector of Police,
E3-Minjur Police Station,
Ponneri Taluk, Tiruvallur District.

2. The Public Prosecutor,
High Court, Madras.

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