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CrI.O.P No.4499 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4499 of 2024

and

CrI.M.P.No.3335 of 2024

1.Mohammed Ali Jinna A,
S/o.Abdul Jabeer

2.Mohamad Thanveer J
S/o.Jaffar Ali

3.Mohamed Idris
S/o.Sahubar Ali

... Petitioners

vs.

1.State represented by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur - 642 126.
Crime No.655 of 2019

2.Parameswaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the FIR in Crime No.655 of 2019 on the file of first respondent and to quash the same.



Crl.O.P No.4499 of 2024

For Petitioners : Mr.G.Harshavarthan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This petition has been filed seeking to quash the First Information Report in Crime No.655 of 2019 pending investigation before the first respondent.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for first respondent.

3. The case of the prosecution is that the accused persons were involved in a propaganda, which had the propensity to cause religious hatred against another religion. Hence, based on the complaint given by the second respondent, a First Information Report came to be registered in Crime No.655 of 2019 for offences u/s.153, 298 IPC and Section 3-A of the Tamil Nadu Town Nuisance Act, 1889.



CrI.O.P No.4499 of 2024

WEB COPY

4. The main ground that has been taken by learned counsel for petitioners is that the offence is punishable for a maximum imprisonment of one year and the final report ought to have been filed within a period of one year as provided u/s.468(2)(b) Cr.P.C. whereas the final report has not been filed till date. Therefore, the First Information Report requires to be quashed by this Court.

5. *Per contra*, learned Additional Public Prosecutor submitted that investigation has been completed and final report is going to be filed before the learned Judicial Magistrate, Udumalpet,

6. In the considered view of this Court, as on date, taking cognizance of the final report is barred u/s.468(2)(b) Cr.P.C. Therefore, even after the filing of the final report if the Court below is going to exercise its jurisdiction u/s.473 Cr.P.C., the accused person will be put on notice. Hence, the objection raised by the petitioners has been considered and their rights are also safeguarded.



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Crl.O.P No.4499 of 2024

N. ANAND VENKATESH, J.

gm

This Criminal Original Petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

28.02.2024

Index : Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order
gm

To

1. The Inspector of Police,
Udumalpet Police Station,
Tiruppur - 642 126.
Crime No.655 of 2019

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

Crl.O.P.No.4499 of 2024