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CrI.O.P.No.17273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P.No.17273 of 2024

Mohamed Ismail

.. Petitioner

/versus/

1.State through
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.
(in crime No.1833 of 2020)

2.Mr.Senguttuvan
The Inspector of Police,
B-1, North Beach Police Station,
Chennai.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records connect with FIR in Crime No.1833 of 2020 on the file of the 1st respondent and quash the same as illegal.

For Petitioner :Mr.S.Mohamed Ansar
For Respondents :Mr.S.Udaya Kumar
Govt.ADvocate (CrI.Side)



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Being Office bearers of INL his name has been falsely roped. Further, he submitted that the complaint, which has been registered on 23.10.2020 has not been forwarded to the Judicial Magistrate till date. Finally, the learned counsel submitted that punishment of all these offences is less than three years. Whereas the final report has not been filed even after lapse of four years. Therefore, on the ground of limitation, the First Information Report against the petitioner has to be quashed and allow him to get passport and go abroad to make out his living.

4. The learned Government Advocate (Crl.Side) submitted that the contention of the petitioner is not correct. The members of the unlawful assembly were arrested and their details were recorded by the police before their release. The petitioner along with other, by defraying the prohibitory order, had gathered together without maintaining social distance during Covid epidemic period. They prevented the traffic and public by raising slogan and protested against the Government for not realising Coimbatore bomb blast accused. Since it was the Covid lock down period, the First Information Report was forwarded to the



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concerned Magistrate through on-line. The investigation is almost completed and final report will be filed soon.

5. This Court on considering the submissions made by the learned Government Advocate (Crl.Side), not convince on the reason stated for not filing the final report, even after lapse of four years, which enures the benefit of limitation in favour of the petitioner. Hence, this Criminal Original Petition to quash the First Information Report in Crime No.1833 of 2020 is allowed, since the cognizance of the offence is not taken within the time prescribed under Section 468 of Cr.P.C.

23.07.2024

Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To:

1.The Inspector of Police, B-1, North Beach Police Station,
Chennai. (in crime No.1833 of 2020)

2.Mr.Senguttuvan, The Inspector of Police, B-1, North Beach Police
Station, Chennai.

3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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