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Crl.O.P.(MD).No.2509 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.2509 of 2024
and Crl.M.P.(MD)No.1916 of 2024

Thiru.T.T.V.Dhinakaran

... Petitioners

Vs.

1.The State rep.by its
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District,
(Cr.No.203/2021)

2.Thiru.Chandramohan

...Respondents

Prayer: Criminal Original Petition under Section 482 of the Criminal Procedure Code to call for the records bearing in S.T.C.No.192/2023 on the file of learned Judicial Magistrate No.I, Ramanathapuram and quash the same as against the petitioner.

For Petitioner

: Mr.M.Jegadeesh Pandian

For RR1

: Mr.K.M.D.Muhilan

Government Advocate



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ORDER

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This petition has been filed to quash the proceedings in S.T.C.No.192/2023 on the file of the learned Judicial Magistrate NO.I, Ramanathapuram.

2. The case of the prosecution is that on 31.03.2021 at about 4 p.m, the petitioner along with his party men violated the Election Code of Conduct and were canvassing for the party with 10 cars, 40 two wheelers, bursted crackers etc., Based on the complaint given by the 2nd respondent, the FIR came to be registered in Cr.NO.203/2021. The FIR was registered for offences under Section 143, and 286 of IPC, Section 4AA(1b) and 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

3. On completion of investigation, the final report was filed before the Court below and the same has been taken on file in S.T.C.No.192/2023 .

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate (CrI.Side) for the respondents.

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5. The main ground that was urged by the learned counsel for the petitioner is that the offences for which the FIR was registered is punishable with a maximum imprisonment of one year and hence, the final report ought to have been filed within a period of one year as mandated under Section 468(2)(b) of Cr.P.C. In the instant case, the FIR was registered on 31.03.2021 and whereas the final report was filed after one year on 20.04.2022. This final report has been taken cognizance by the Court below without following the procedure under Section 473 of Cr.P.C. Hence, it was contended that the proceedings before the Court below is illegal and is liable to be interfered by this Court.

6. The submission made by the learned counsel for the petitioner carries a lot of strength. The final report in this case ought to have been filed within a period of one year failing which it is barred under Section 468(2)(b) of Cr.P.C. If the Court below wanted to entertain the final report beyond the period of limitation, the Court below ought to have followed the procedure



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under Section 473 of Cr.P.C and admittedly the same has not been done in the present case. Therefore, the cognizance taken by the Court below and the summon that was issued to the petitioner becomes illegal and the same requires interference of this Court.

7. In the light of the above discussion, the proceedings in S.T.C.No.192/2023 on the file of the learned Judicial Magistrate NO.I, Ramanathapuram, is hereby quashed. This Criminal Original Petition is allowed in the above terms.

01.03.2024

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

To

1.The Judicial Magistrate VII, Coimbatore.

2.The Public Prosecutor,
High Court, Chennai.

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N.ANAND VENKATESH,J

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