



WEB COPY



Crl.O.P.No.5813 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5813 of 2024

and

Crl.M.P.No.4244 of 2024

Srikanth
S/o.Srinivasan

... Petitioner

Vs.

1. State represented by
The Inspector of Police
Manimangalam Police Station
Tambaram City.
(Crime No.408 of 2013)

2. Ariyamala

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in connection with the impugned F.I.R in
Crime No.408 of 2013 on the file of respondent and quash the same.

For Petitioner : Ms.S.Rithika

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



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.408 of 2013 on the file of the first respondent.

2. Heard Ms.S.Rithika, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. The case of the prosecution is that there was violation of model code of conduct during the election in the year 2011 and as a result, based on the complaint given by the second respondent, a First Information Report came to be registered for offences u/s.171-F IPC and Section 134 of the Representative of the People Act, 1951.

4. The main ground that was urged was that no final report was filed in this case till date and there is a bar u/s.468 Cr.P.C.

5. Learned Additional Public Prosecutor confirmed that no final report has been filed in this case till date.



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6. The offence u/s.171-F IPC is punishable for a maximum imprisonment of one year and the offence u/s.134 of the Representative of the People Act, 1951, is punishable with a maximum fine of Rs.500/-. The final report ought to have been filed within a period of one year. Since the final report has not been filed till date, it is barred u/s.468(2)(b) Cr.P.C. The facts of the present case do not warrant exercising jurisdiction u/s.473 Cr.P.C.

7. In the light of the above discussion, the First Information Report in Crime No.408 of 2013 on the file of the first respondent is hereby quashed in its entirety.

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

11.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police
Manimangalam Police Station
Tambaram City.
(Crime No.408 of 2013)

2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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