



Crl.O.P.No.16501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.16501 of 2024

1.S.Anandaraj
2.R.Venkatesan
3.R.Ranjith Kumar
4.N.Raja
5.A.Govindaraj

.. Petitioners/Accused
1 to 5

/versus/

1.State represented by
Inspector of Police,
V.Kalathur Police Station,
Perambalur District.

.. Respondent/
Complainant

2.A.Muthusamy

.. Respondent/Defacto
Complainant

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records in Crime No.126 of 2022 on the file of the 1st Respondent and quash the same.

For Petitioners :Mr.M.Ramamoorthy for
Mr.B.Ramprabu
For R1 :Mr.S.Udaya Kumar
Govt.ADvocate (Crl.Side)



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ORDER

This petition is filed to quash Crime No.126 of 2022 registered by the first respondent police for the offence under Section 4A(1a) of the Tamil Nadu Open Place Disfigurement Act, 1959.

2.The learned counsel appearing for the petitioners submitted that the offence under which the case has been registered is punishable within the period of three months imprisonment. Whereas, even after lapse of two years, final report is not yet filed. Therefore, referring Section 468 of Cr.P.C., the learned counsel submitted that the complaint has to be quashed on the ground of limitation.

3.The learned Government Advocate (Crl.Side) appearing for the State submitted that on completion of investigation, final report filed on 15.12.2022, but the same was returned for rectifying the defects. Till date, final report has not been represented.



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4. Section 468 of Cr.P.C, fixes limitation for taking cognizance of the offence and period of limitation is reckoned from the date of offence to the date of cognizance.

5. In this case, though it is stated that final report filed and returned, till date, cognizance is not taken by the Magistrate. Therefore, this case squarely falls within the ambit of Section 468 of Cr.P.C.

6. In the light of the above fact, this Criminal Original Petition is allowed and FIR in Crime No.126 of 2022 on the file of the 1st respondent police is hereby quashed.

15.07.2024

Index:yes/no

Neutral Citation:yes/no

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To:

1.The Inspector of Police, V.Kalathur Police Station,
Perambalur District.

2.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.



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