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Crl.O.P.No.17772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.17772 of 2024

1. N.Sathish Kumar
2. R.Muthukrishnan
3. E.Ranjth
4. N.Gnanavel
5. R.Vidhyasekar
6. G.Mohan
7. K.Ulaganathan

.. Petitioners

Versus

1. State By:
Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.

2. K.Palanivel

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the Final Report/Chargesheet filed by the respondent in C.C.No.199 of 2020 on the file of the learned Judicial Magistrate No.I, Villupuram and quash the same.

For Petitioners : Mr.S.Sathia Chandran

For Respondents : Mr.S.Udayakumar



Crl.O.P.No.17772 of 2024

Government Advocate
(Crl. Side) for R1

ORDER

This petition is filed to quash the Final Report in C.C.No.199 of 2020 on the file of the learned Judicial Magistrate No.I, Villupuram.

2. Apart from the other grounds, the learned Counsel for the petitioners submitted that the Final Report, in this case, was taken belatedly after lapse of three years and therefore, hit by limitation.

3. Per *contra*, the learned Government Advocate (Crl. Side) for the first respondent stated that the Final Report was prepared by the Investigating Officer on 05.08.2015 itself and therefore, it is to be presumed that the learned Judicial Magistrate has condoned the delay in filing the Final Report and taken cognizance of the offences. However, such condonation of delay is permissible under Section 473 of Cr.P.C., by the learned Judicial Magistrate provided the reason for condonation of delay while taking cognizance. Therefore, to verify whether the learned Judicial Magistrate has passed speaking order regarding condonation of delay, if any, the matter was adjourned today.



Crl.O.P.No.17772 of 2024

WEB COPY

4. The learned Government Advocate (Crl Side) for the first respondent submitted that though the Final Report was prepared immediately after registration of the F.I.R, it was filed on 14.08.2020 and thereafter, it was taken cognizance by the learned Judicial Magistrate. However, it has been fairly considered that no speaking order was passed by the learned Magistrate before taking cognizance regarding limitation.

5. In the light of the above fact, this Court is of the view that the offences, for which the petitioner is being prosecuted, are punishable for a term less than three years. Hence, the cognizance of the offences ought to have been taken within three years as per Section 468 of Cr.P.C. If not, the learned Magistrate should have condoned the delay by way of a speaking order.

6. Since there is no speaking order condoning the delay in filing the Final Report and taking cognizance of the offences, this Criminal Original Petition stands allowed. As a result, C.C.No.199 of 2020 on the file of the learned Judicial Magistrate No.I, Villupuram stands quashed.



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Crl.O.P.No.17772 of 2024

30.08.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Judicial Magistrate No.I,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.17772 of 2024

Dr.G.JAYACHANDRAN, J.

grs

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