



WEB COPY



Crl.O.P.No.18236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM :

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.18236 of 2024

G.Radhakrishnan

.. Petitioner

Versus

1. The State,
Rep. by the Inspector of Police,
Vellur Police Station,
Namakkal District.

2. A.Rangasamy @ Ravi

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.376 of 2015, on the file of the 1st respondent Police.

For Petitioner : Mr.U.Gowri Shankar

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl. Side),
for R1

ORDER

A case was registered by the respondent Police on 05.08.2015 for the offence under Section 336 of I.P.C in Crime No.376 of 2015 on the complaint given by one Arumugam. A reading of the complaint indicates



Crl.O.P.No.18236 of 2024

that on 05.08.2015 at about 2.00 A.M in the early morning, somebody has thrown petrol bomb in the petrol bunk with an intention to cause damage. However, the workers in the petrol bunk had put off the fire and saved the damage. The respondent Police has arrested the petitioner on 14.09.2015 during the vehicular check and remanded him to judicial custody. Thereafter, the petitioner has obtained bail.

2. The present petition is filed to quash the complaint stating that Final Report in this case is not yet filed even after lapse of nine years. That apart, on merits, when the complaint is given against an unknown person, on presumption that there is a communal rivalry between the petrol bunk owner (the de-facto complainant) and the petitioner, the petitioner has been falsely implicated in this case.

3. Learned Counsel for the petitioner submits that de hors of the merits in favour of his defence, the complaint is liable to be quashed since the case is registered under Section 336 of I.P.C. The investigation ought to have been completed and cognizance should have been taken within a period of one year since the punishment in the said offence is only three months



Crl.O.P.No.18236 of 2024

WEB COPY

imprisonment. While so, the respondent Police, even after lapse of nine years, not filed the Final Report.

4. Learned Government Advocate (Crl. Side) states that the investigation is already completed and the Final Report, filed on 25.12.2015 before the Judicial Magistrate concerned, was returned for curing defect, but, till date, not represented.

5. This Court, on perusing the records, finds that the failure of the prosecution to complete investigation within the time and file Final Report enures the benefit of limitation in favour of the petitioner.

6. Hence, this Criminal Original Petition is allowed and the F.I.R in Crime No.376 of 2015 on the file of the first respondent stands quashed.

31.07.2024

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

To



Crl.O.P.No.18236 of 2024

1. The Inspector of Police,
Vellur Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.18236 of 2024

Dr.G.JAYACHANDRAN, J.

grs

Crl.O.P.No.18236 of 2024

31.07.2024