



CrI.O.P.No.28034 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.28034 of 2022

and

CrI.M.P.No.17242 of 2022

Vijay

... Petitioner

Versus

1. The State,
The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram Dt.
(Crime No.293 of 2018)

2. Kalaiselvan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the Crime No.293 of 2018 on the file of Thiruvennainallur Police Station, Villupuram District and quash the same in so far as the petitioner is concerned by allowing this Criminal Original Petition.



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For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.293 of 2018 on the file of 1st respondent police.

2. Heard both sides.

3. The petitioner is ranked as A2 in the F.I.R. in Crime No.293 of 2018 registered for an offence under Sec.294(b), 323 and 506(1) of I.P.C. based on the complaint given by the 2nd respondent/defacto complainant.

4. The case of the prosecution is that the petitioner along with other accused persons have abused the defacto complainant in filthy



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language and also assaulted him, thereby he sustained grievous injury.

Hence, the complaint.

5. The learned counsel for the petitioner submitted that the allegations in the complaint are false and frivolous and he is a B.A Graduate. He also submitted that the case itself is totally barred by limitation because of expiry of the prescribed time limit under Section 468 of Cr.P.C. and for the past 4 years the case is pending without any reason. He further submitted that final report is not yet filed and also there is no specific overt act against the petitioner for his involvement in the said crime. Hence, he prays to quash the proceedings in Crime No.293 of 2018.

6. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that totally, there are 3 accused persons involved in this case, in which the petitioner is arrayed as A2. Based on the complaint given by the defacto complainant, the 1st respondent Police registered the F.I.R. in Crime No.293 of 2018, for the alleged offences



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under Sections 294(b), 323 and 506(1) of IPC, 1860. He would also submit that there is no previous case pending against the petitioner.

7. Considering the facts and circumstances, and also considering the submissions made by both side counsels and also considering the fact that the case is pending for the last 4 years without any progress and the fact that there is no specific over act against him and also the fact that there is no previous cases pending against him, this Court is inclined to quash the proceedings in Crime No.293 of 2018 on the file of the 1st respondent. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
rpp

To

1. The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram Dt.



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2. The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI, J.

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