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Crl.O.P.No.28104 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.28104 of 2022
and Crl.M.P.No.17275 of 2022

Karthick

... Petitioner

Vs.

1.The State

Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.

2.Kalaiselvan

... Respondents

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., 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.

For Petitioner : Mr. Krishnasamy Chinnasamy
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition 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.



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2. The case of the prosecution is that the petitioner along with other accused persons have assaulted the defacto complainant and he sustained s injuries and also abused in filthy language. Hence, the complaint.

3. 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 to involve in the said crime. Hence, he prays to quash the proceedings in Crime No.293 of 2018.

4. The learned Government Advocate (Crl. Side) appearing for the respondents submitted that there are totally 3 accused persons in which the petitioner is arrayed as A3. Based on the complaint given by the defacto complaint the first respondent / Police registered the FIR in Crime No.293 of 2018, for the alleged offences under Sections 294(b), 323 & 506(1) of IPC,



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1860. He further submitted that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances, and also considered the submissions made by both side counsels and also the fact that the case is pending for the last 4 years without any progress and also there is no specific over act against him and also considered 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.

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

05.01.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

- 1.The Inspector of Police,
Thiruvennainallur Police Station,
Villupuram District.
- 2.The Public Prosecutor,
High Court of Madras.

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and
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