



WEB COPY



Crl. O.P.No.26041 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.26041 of 2024

Padma @ Padmavathy

.. Petitioner

Vs.

1.The Inspector of Police,
J 8 Neelankarai Police Station,
Chennai – 41.

2.Ravi

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C. / 528 of BNSS, to quash the F.I.R. in Crime No.103 of 2020 dated 16.02.2020 pending on the file of the first respondent.

For Petitioner : Mr.Prem Balaji

For Respondents : Mr.S.Udaya Kumar
Government Advocate for R1

ORDER

The petitioner herein is the first accused in Cr.No.103 of 2020 registered on 16.02.2020 for the alleged offence under Section 294b, and



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506(i) of IPC. The complainant is the husband of the petitioner and the other two accused in the complaint are sons of the petitioner.

2. Though the case been registered on 16.02.2020 for offence under Sections 294(b) and 506(i) of IPC, the respondent police failed to complete the investigation within reasonable time. Hence, the petitioner moved this Court for expeditious investigation and to file final report. The said Crl.OP.No.2246 of 2024 was disposed by this Court on 07.02.2024, directing the respondent police to file final report within one month from the date of receipt of the copy.

3. The present petition is filed to quash the FIR on the ground that the essential ingredient to attract the offence under Section 294(b) and 506(i) of IPC is not available in the complaint and mere expression of words out of anger without any intention to cause harm will not constitute offence under Section 506(i) of IPC.

4. It is contended by the petitioner that A1 and the defacto complainant are husband and wife living in the same house even after the complaint and the property under dispute is owned by them jointly.



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5. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the first petitioner and the complainant are not husband and wife. Apparently, they both married to somebody else. However, they have live-in-relationship. The petitioner and her two sons who were occupying the house of the defacto complainant had threatened the petitioner with dire consequence and had abused him in filthy language. Hence the complaint in Cr.No.103 of 2020.

6. The learned Government Advocate further submits that the final report in this case been filed yesterday (21.10.2024) before the District Munsif-Cum-Judicial Magistrate, Sholinganallur for the offence under Section 294(b) which is punishable with imprisonment of either description for a term which may extend to three years or with fine or with both and for offence under Section 506(i) I.P.C which is punishable with imprisonment of either description for a term which may extend to two years or with or with both.

7. Section 468 of Cr.P.C prescribed limitation for taking cognizance of offences. So any offence punishable with imprisonment for a term not exceeding three years, the period of limitation prescribed is



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three years. On applying Section 468 of Cr.P.C it is obviously clear that the final report which is alleged to have filed yesterday is barred by limitation prescribed under Section 468 of Cr.P.C. Hence on the ground of limitation this Criminal Original Petition is allowed. As a result, the complaint in Cr.No.103 of 2020 dated 16.02.2020 is hereby stands quashed.

22.10.2024

Vv

To

- 1.The Inspector of Police,
J 8 Neelankarai Police Station,
Chennai – 41.
2. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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