



CrI.O.P.No.24742 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.24742 of 2024

Venkatasami

... Petitioner

Vs.

The Inspector of Police
Thirukoilur Police Station
Villupuram District

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the respondent to file final report in Crime No.560 of 2016 pending on the file of the respondent.

For Petitioner	: Mr.B.Jawahar
For Respondent	: Mr.S.Sugendran Additional Public Prosecutor



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ORDER

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This Criminal Original Petition is filed by the petitioner to direct the respondent to file final report in Crime No.560 of 2016 pending on the file of the respondent.

2. The case of the petitioner is that based on his complaint dated 11.11.2024, the respondent police registered a case in Crime No.560 of 2016 for the offences under Sections 147, 294(b), 323, 427 and 506(i) IPC against the accused persons who abused and threatened the defacto complainant with dire consequences and attempted to demolish his house with JCB. Since no final report was filed, the present petitioner has been filed before this Court seeking direction to the respondent police.

3. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent police submitted that the final report was filed through e-filing on 12.11.2024 before the Judicial Magistrate Thirukovilur.



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4. Heard the learned counsel for the petitioner and the learned Additional

Public Prosecutor appearing for the respondent police and perused the materials available on record.

5. It is seen that the FIR has been registered on 11.11.2016 for the offences under Sections 147, 294(b), 323, 427 and 506(i) IPC and the respondent police have filed the charge sheet after eight years on 12.11.2024. The punishment for the offence under Section 506(i) IPC is the higher punishment among the other offences i.e. upto two years of imprisonment. As per Section 468 Cr.P.C., charge sheet should have been filed within a period of three years from the date of complaint, but in this case, the respondent police have not filed the charge sheet within the stipulated time and they have filed the charge sheet after eight years from the date of complaint, which shows the lethargic attitude of the Investing Officer.

6. Therefore, the Inspector General of Police is directed to take departmental action against the Investigating Officer/s those who served in the



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said jurisdictional police station at the relevant point of time for non-completion of investigation within a reasonable time or within the limitation period and **file action taken report before this Court.**

7. As stated above, the charge sheet has been filed beyond the limitation period and hence, **the charge sheet said to have been filed by the respondent police before the Judicial Magistrate, Thirukovilur, is hereby quashed by this Court by invoking Section 528 of B.N.S.S.**

8. Further, this petition is filed by the petitioner seeking direction to the respondent police to file charge sheet. Though the respondent police submitted that they have filed by the charge sheet on 12.11.2024, however, since it has been filed beyond the limitation period, the petitioner is at liberty to work out his remedy against the concerned Investigating Officer/s for non-completion of investigation within a reasonable time, at the most, within a period of limitation.



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9. With the above observations and directions, this Criminal Original

Petition is closed.

28.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Inspector of Police
Thirukoilur Police Station
Villupuram District

2. The Public Prosecutor
High Court of Madras.

To

1. The Judicial Magistrate
Thirukoilur

2. The Inspector General of Police,
Villupuram District

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P.VELMURUGAN. J.

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