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CrI.O.P.No.26866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26866 of 2024

S.Karthik

... Petitioner/Accused

/versus/

1. State by,
The Inspector of Police,
M-3, Puzhal Police Station,
Chennai - 66.
(Crime No.558 of 2018).

... Respondent/Complainant

2. Thiru.Dharmaraj,
Jailor,
Central Prison-1,
Puzhal, Chennai – 600 066.

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C.,
pleased to call for FIR in Crime No.558 of 2018 on the file of respondent No.1
Police Station and quash the same.

For Petitioner : Mr.J.Ganapathi,
for Ms.S.Nadhiya

For R1 : Mr.K.M.D.Muhilan.
Government Advocate (CrI.Side)



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ORDER

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On the complaint given by the Jailor, case been registered against this petitioner who is a life convict for the alleged possession of SIM card and cellphone inside the prison.

2. The case registered under Section 42 of Prisoners Act 1894 is pending investigation since 26.08.2018. Alleging that nothing was recovered from the petitioner and it is a case foisted with malafide intention, the present petition is filed to quash the complaint in view of limitation prescribed under Section 468 of Cr.P.C., for taking cognizance of the offence.

3. According to the Learned Counsel appearing for the petitioner, Section 42 of Prisoner's Act prescribes imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both. The limitation prescribed under Section 468 of Cr.P.C for the offence punishable with imprisonment not exceeding one year is one year. Since final report not filed in this case even after six years, cognizance cannot be taken in view of the limitation prescribed under Section 468 of Cr.P.C and therefore, no fruitful purpose will be served by keeping the F.I.R open.



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4. Perusal of the record indicates that the limitation to take cognizance of the offence alleged against the petitioner had expired long back.

5. Therefore, this Criminal Original Petition is allowed. The F.I.R in Crime No.558 of 2018 on the file of the Inspector of Police, M-3 Puzhal Police Station, Chennai is hereby quashed.

28.10.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

To

- 1.The Inspector of Police, M-3, Puzhal Police Station, Chennai – 66.
2. The Central Prison-I, Puzhal, Chennai.
3. The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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