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CrI.O.P.No.31520 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.31520 of 2024

1.N.Kamuel Kumar
2.Merlin Janet
3.Raji
4.Prabhu @ Prabhudharan
5.Viji

... Petitioners

Vs.

1.State by the Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.
(Crime No.884 of 2021)

2.S.Senthamilan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, to call for the records in connection with the Crime No.884 of 2021 for the alleged offence under Section 294(b), 323 and 506 (i) IPC on the file of the first respondent and quash the FIR.

For Petitioner : Mr.M.Duraimurugan

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1

ORDER

Heard the learned counsel on either side and perused the materials available on record.



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2. This criminal original petition is filed to quash the Crime No.884 of 2021 for the alleged offence under Section 294(b), 323 and 506 (i) IPC on the file of the first respondent-Police.

3. The main ground taken by the learned counsel to quash the FIR is limitation. Though the FIR mentions the commission of offences under Section 294B, 324, and other provisions, the FIR is not an encyclopedia, and the final report has not yet been filed. Until the filing of the charge sheet, this Court cannot conclude that only the offences mentioned in the FIR have been made out. Only after the charge sheet is filed can the Court determine whether the charges are restricted to the offences mentioned in the FIR. Therefore, under the circumstances, the petition is premature and is accordingly dismissed. However, the petitioner is at liberty to file a fresh petition after the filing of the charge sheet, in case the charge sheet includes offences mentioned in the FIR.

17.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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To

1. The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai - 600 062.
(Crime No.884 of 2021)
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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