



CrI.O.P.(MD) No.150 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.150 of 2024

and

CrI.M.P.(MD) No.98 of 2024

Manikandan

...Petitioner

vs

**1.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District,
Crime No.118 of 2019**

2.Lakshmanan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to Crime No.118 of 2019 dated 22.08.2019 on the file of the Inspector of Police, Thirupullani Police Station, Ramanathapuram District and quash the same insofar this petitioner is concerned.

**For Petitioner : Mr.K.Yasar Arafath
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor**



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ORDER

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This Criminal Original Petition is filed to quash the FIR in Crime No. 118 of 2019 dated 22.08.2019 on the file of the first respondent/Inspector of Police, Thirupullani Police Station, Ramanathapuram District.

2.The learned counsel for the petitioner submits that the defacto complainant is the neighbour. As per the complaint given by the defacto complainant, the petitioner abused the defacto complainant in filthy language and assaulted her. Therefore, a case was registered in Crime No. 118 of 2019 was registered for the offence under Sections 294(b), 323 and 324 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. It is the further submission of the learned counsel for the petitioner that the offences attracted punishment for 3 years. Even though the case was registered in 2019, till date the final report had not been filed before the Court concerned.

3.The learned Additional Public Prosecutor submits that the investigation had been completed in the month of October, 2019.



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4.To the query of this Court as to why the final report was not laid before the Court concerned, if investigation had been completed on 16.10.2019, there is no response from the learned Additional Public Prosecutor. Only when the case came up for hearing, the Investigation Officer had preferred the final report. The said conduct of the respondent police cannot be appreciated.

5.Section 468 Cr.P.C., reads as under:-

“468. Bar to taking cognizance after lapse of the period of limitation.

(1) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category specified in sub-section

(2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the



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most severe punishment."

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6.In the light of Section 468 Cr.P.C., this Court is inclined to allow this petition and accordingly, this Criminal Original Petition is allowed. The FIR in Crime No.118 of 2019 dated 22.08.2019 on the file of the first respondent is hereby quashed against the petitioner/sole accused. Consequently, connected Miscellaneous Petition is closed.

Internet:Yes./No

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Index:Yes/No

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To

- 1.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SATHI KUMAR SUKUMARA KURUP, J.



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