



Crl.O.P.(MD)No.505 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.505 of 2023

and

Crl.M.P.(MD).No.433 of 2023

V.Chinnadurai

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Thoothukudi Sought Police Station,
Thoothukudi District.
(Crime No.590 of 2019)

2.Ramachandran,
Special Sub-Inspector of Police,
Muthuaiyapuram Police Station,
Thoothukudi.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.590 of 2019 on the file of the first respondent Police dated 17.09.2019 and quash the same as illegal.

For Petitioner

: Mr.P.Edin Brough

For R-1

: Mr.A.Albert James,
Government Advocate
(Criminal Side)

For R-2

: Died



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ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.590 of 2019 pending investigation on the file of the first respondent Police.

2. The case of the prosecution is that on 17.09.2019, the second respondent, who is the Special Sub Inspector of Police, was attending the Court duty in the Court of Judicial Magistrate No.II, Thoothukudi. At that point of time, the petitioner threatened the *defacto* complainant and abused him in filthy language and pushed him down resulting in the *defacto* complainant sustaining injuries. For this alleged offence, an FIR came to be registered for the offence under Sections 294(b), 332 and 506(ii) IPC.

3. The quash petition has been filed mainly on the ground that the *defacto* complainant had previous enmity against the petitioner and the petitioner had also lodged a complaint against him, for which, no action was taken. Subsequently, an FIR was also registered against the *defacto* complainant based on the directions given by the Court in Crime No.619 of 2019. Therefore, the petitioner has come up with a case that the First



Information Report is attended with *mala fides* and it is an abuse of process of law, which requires interference of this Court.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent Police on instructions submitted that investigation has been completed and a police report has been filed before the learned Judicial Magistrate No.I, Thoothukudi, through E-filing mode on 15.04.2024.

5. It is also brought to the notice of this Court that the *defacto* complainant died on 31.05.2020 and a Death Certificate was also produced before this Court.

6. On carefully going through the allegations made in the First Information Report, it is seen that even if it is taken as it is, only the offence under Sections 294(b), 332 and 506(i) IPC is made out. The maximum punishment provided for offence under Section 332 IPC is three years imprisonment.

7. The final report ought to have been filed within the statutory period and the cognizance cannot be taken beyond three years in view of



CrI.O.P.(MD)No.505 of 2023

the bar under Section 468(2) (c) of Cr.P.C. The police report has been filed only on 15.04.2024 beyond the period of limitation.

8. Considering the facts and circumstances of the case and also considering the fact that the second respondent is no more and the case does not involve any special circumstances to invoke Section 473 of Cr.P.C., no useful purpose will be served in keeping the First Information Report pending. Even if the final report is filed, cognizance is barred.

9. In view of the above discussion, the FIR in Crime No.590 of 2019 is hereby quashed as against the petitioner and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.I, Thoothukudi.

2.The Inspector of Police,
Thoothukudi Sought Police Station,
Thoothukudi District.
(Crime No.590 of 2019)



Crl.O.P.(MD)No.505 of 2023

3.The Special Sub-Inspector of Police,
Muthuaiyapuram Police Station,
Thoothukudi.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)No.505 of 2023

N.ANAND VENKATESH. J.

TSG

Crl.O.P.(MD)No.505 of 2023

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