



Crl.O.P.(MD)No.14748 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14748 of 2024
and Crl.M.P.(MD)No.9217 of 2024

Marimuthu

... Petitioner

Vs.

1.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanuakumari District.
(Crime No.201 of 2019)

2.Akila

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No.201 of 2019 on the file of the first respondent police and to quash the same in respect of the petitioner alone.

For Petitioners : Mr.N.Pragalathan

For R1 & R2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed seeking orders to quash the first information report in Cr.No.201 of 2019 pending on the file of the first respondent Police.

2.The case of the prosecution is that due to matrimonial dispute between the parties, on 12.05.2019 at about 10.30 am., the petitioner created a fake Instagram ID and made comment against the second respondent and her sister by using filthy language, that the petitioner uploaded about the details of the second respondent and her sister on 23.05.2019 in the website, due to which, so many persons contacted them and in pursuance of the same, the second respondent preferred a complaint and on that basis, FIR in Cr.No.201 of 2019 came to be registered for the offence under Sections 294(b), 506(i) IPC and Section 67 of the Information Technology Act, 2000.

3.The main contention of the petitioner is that though FIR was registered on 25.05.2019, the first respondent has not filed the final



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report, within the time limit as contemplated under Section 468 Cr.P.C.

But, the Hon'ble Constitution Bench of the Hon'ble Supreme Court of India, in the case of Sarah Mathew vs Institute of Cardio Vascular Diseases by its Director, reported in (2014) 2 SCC 62, has clarified the position that the period of limitation as contemplated under Section 468 Cr.P.C., is to be computed from the date of offence till the date of complain and not from the date of FIR till filing of charge sheet. Except the limitation ground, the petitioner has not canvassed any other ground.

4.The learned Government Advocate(Crl.side) appearing for the first respondent would submit that the first respondent, after completion of investigation, has filed final report through E.Filing, before the Additional Mahila Court, Nagercoil, in the year 2022, but the same is yet to be taken on file.

5.Considering the above, the Additional Mahila Court, Nagercoil is directed to take the case on file, if charge sheet has already been filed as stated by the prosecution, within a period of two weeks from the date of receipt of a copy of this order, if the charge sheet is otherwise in order.



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In case, any memo has been issued to rectify the defects, the first respondent is directed to rectify the defects pointed out by the learned Judicial Magistrate, within one week from the date of receipt of a copy of this order and on such rectification, the learned Judicial Magistrate is directed to take the final report on file, if it is otherwise in order, within one week thereafter.

6. With the above directions, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Additional Mahila Court,
Nagercoil.
- 2.The Inspector of Police,
Kottar Police Station,
Nagercoil,
Kanuakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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