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Crl.O.P.(MD)No.21898 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.21898 of 2022

Abdul Bari

... Petitioner/Accused No.4

Vs.

The State rep.by
The Sub-Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.
In Crime No.298 of 2015

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the FIR in Crime No.298 of 2015 dated 01.11.2015 registered on the file of the respondent and quash the same as illegal in respect of the petitioner.

For petitioner : Mr.S.Sankarapandian

For Respondent : Mr.S.Manikandan

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.298 of 2015 on the file of the respondent Police in respect of the petitioner alone.



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2. The case of the prosecution is that on 01.11.2015, during patrolling, the respondent Police intercepted two Tipper Lorries and on verification, it was found that the explosive substances were transported in the said Lorries, which were meant for illegal mining. On the confession of the first accused, it came to light that the said explosives were obtained from the petitioner/A4. Hence, the complaint was registered against the petitioner and the other accused persons in Crime No.298 of 2015, for the alleged offence under Section 286 IPC and Sections 9(B)(1)(b) and 3(b) of the Explosives Act, 1884.

3. The learned counsel appearing for the petitioner submits that the case in Crime No.298 of 2015 was registered as early as on 01.11.2015 for the offence punishable under Section 286 IPC and Sections 9(B)(1)(b) and 3(b) of the Explosives Act, 1884. He further submits that till 31.10.2018, neither the investigation was completed nor the charge sheet was filed and the period of limitation to take cognizance of the offences is only three years, which came to an end as early as on 31.10.2018. On the sole ground, he prays for allowing this petition.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that the charge sheet was made ready within a



period of three years and it was filed in the year 2023 itself and there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed. Hence, he prays for dismissal of this petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Police.

6. From the records, it is seen that the offence is said to have been taken place on 01.11.2015 and the case was registered on the same day in Crime No.298 of 2015 for the offence punishable under Section 286 IPC and Sections 9(B)(1)(b) and 3(b) of the Explosives Act, 1884. It is pertinent to note that the maximum punishment for the alleged offences is only three years, and the period of limitation for taking cognizance of the offences is three years as per Section 468 of Criminal Procedure Code, however, till 2023, neither the investigation was completed nor the charge sheet was filed. Three years period has already come to an end as early as on 31.10.2018. While so, in the present case, the charge sheet was filed only in the year 2023 before the jurisdictional Court.



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7.As per Section 468 of Criminal Procedure Code, the respondent Police have to complete the investigation and file a final report within the period of three years (i.e.,) on or before 31.10.2018. In the present case, the period of three years was already over. Though it was submitted by the learned Government Advocate that the final report was made ready within a period of three years and it has been filed in the year 2023 before the learned Judicial Magistrate, Oddanchathiram, no Court can take cognizance of the final report after the expiry of the limitation period. Since the final report has been filed after a lapse of eight years for the occurrence that was taken place as early as on 01.11.2015, this Court is inclined to quash the First Information Report in Crime No.298 of 2015 on the file of the respondent Police in respect of the petitioner alone.

8. In the result, this Criminal Original Petition is allowed and the First Information Report in Crime No.298 of 2015 on the file of the respondent Police is quashed in respect of the petitioner alone.

27.03.2024

Index : Yes/No
Internet : Yes/No
ssb



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To

- 1.The Sub-Inspector of Police,
Reddiarchatram Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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