



CrI.O.P.(MD) No.21461 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.21461 of 2023

and

CrI.M.P(MD)No.16794 of 2023

1.N.Sri Nainar Balaji
2.Muthukumar

...Petitioners

VS

1.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.
(in Cr.No.180 of 2022)

2.Antony Savari Muthu
Sub Inspector of Police,
V.K.Puram,
Tirunelveli Division.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records relating to the Cr.No.180 of 2022 pending on the file of the first Respondent/Police and to quash the same.

For Petitioners : Mr.G.Karuppasamyandiyan
For Respondents : Mr.M.Veeranthiran
Government Advocate (crl.side)



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ORDER

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The Criminal Original Petition had been filed seeking to quash the FIR in Cr.No.180 of 2022 pending on the file of the first RespondentPolice.

2.It is the submission of the learned Counsel for the Petitioner that the case in Cr.No.180 of 2022 was registered on 07.06.2022 on the same day of the alleged occurrence. Further, he would submit that the complainant is none other than the Sub Inspector of Police, VK Puram Police Station, Tirunelveli. The offences alleged in the FIR are under Sections 143, 283 and 341 of IPC. For offence under Section 341 of IPC, punishment of one month imprisonment is stated. For the offence under Section 143 of IPC, maximum punishment is six month or fine or both. For offence under Section 283 of IPC, Rs.200/- is the maximum punishment. In cases of this nature, the charge sheet ought to have been filed within the shortest time. Till date, charge sheet had not been filed. Therefore, he seeks to quash the FIR in Cr.No.180 of 2020 under Section 468 Cr.P.C.



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3.The learned Government Advocate (Crl.side) on instructions from the Respondent Police, submitted that final report had been filed on 17.01.2023 and the same was numbered on 29.11.2023.

4.Considering the submission made by the learned Government Advocate (Crl.side), final report was filed beyond the period of limitation, as mentioned under Section 468 of Cr.P.C. If a final report is filed beyond the period of limitation, the Court need not consider the final report after the period of limitation. Under those circumstances, the submission of the learned Counsel for the Petitioner is found justified and accepted.

5.In the light of the above, the ***Criminal Original Petition*** is allowed and the case in Cr.No.180 of 2022 on the file of the first Respondent Police is quashed insofar as the Petitioners are concerned. Consequently, connected Miscellaneous Petition is closed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No
cmr

23.02.2024



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To

The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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