



CRL.OP(MD). No.218 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.218 of 2023

and

CRL.MP(MD). No. 171 of 2023

1. Abraham

2. Vimal

3. Rajinikanth

4. Jasmin

5. Ranjithsingh

... Petitioners / Accused 1 to 5

Vs.

1. The State,
Rep by the Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

... 1st Respondent / Complainant

2. Kala

... 2nd Respondent /
De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records in Crime No. 45 of



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2019 on the file of the 1st respondent police and may quash the same.

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For Petitioners : M/s.K.P.Narayanakumar
For R-1 : M/s.S.Ravi,
Additional Public Prosecutor
(Crl. Side)
For R2 : NA

ORDER

This petition has been filed to quash the FIR in Crime No. 45 of 2019 pending investigation on the file of the respondent police.

2. The case of the prosecution is that A1 had borrowed money from the defacto complainant's husband. When he demanded repayment of the same, the accused persons abused the defacto complainant and her husband and also caused damage to the house to the tune of Rs.60,000/-. The complaint was given to the police and an FIR came to be registered in Crime No. 45 of 2019 for the offence under Sections 147, 148, 447, 294(b), 427 and 506(i) of IPC.

3. The petitioners filed an earlier quash petition in Crl.O.P.(MD). No. 15616 of 2019. Considering the nature of the allegations, this Court



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dismissed the quash petition by an order dated 30.10.2019. A specific direction was given to the respondent police to file the final report within a period of 3 months.

4. There was absolutely no progress in the investigation and no final report was filed and hence, the present criminal original petition came to be filed before this Court. When this criminal original petition was entertained on 05.01.2023, this Court passed the following order:-

“The learned counsel appearing for the petitioners would submit that the petitioners have earlier filed a petition in Crl.O.P.(MD) No.15616 of 2019 for quashing FIR in Crime No.45 of 2019 on the file of the respondent therein and this Court vide order dated 30.10.2019, while dismissing the petition, directed the respondent police to complete the investigation and file final report before the concerned Magistrate within a period of three months from the date of receipt of copy of that order. He would further submit that after the lapse of three years, the petitioners have filed the above



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petition on the ground that the offence stipulated in the FIR are punishable less than three years and the same is barred by limitation under Section 468 Cr.P.C.

2. Mr.M.Muthumanikkam, learned Government Advocate (Crl. Side), who takes notice for the first respondent, would submit that the first respondent has not filed final report so far.

3. Issue notice to the second respondent returnable by four weeks. Private notice is also permitted.

4. Post the matter after four weeks.

5. The first respondent is directed not to file final report for a period of four weeks.”



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5. The notice has been served on the second respondent and the name was also printed in the cause list. No one appears either in person or through a counsel.

6. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that since the police report was filed with a delay, an application has been filed in CrI.M.P. No. 2883 of 2024 before the learned Judicial Magistrate No.I, Padmanabapuram under Section 473 of the Code of Criminal Procedure to condone the delay and the same is pending.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. In the case in hand, it is alleged that there is a property dispute between the parties and it is alleged that the accused persons entered into the house of the defacto complainant and abused the defacto complainant and her husband and also caused damages to the house.



9. On going through the materials, it is seen from the records that the second respondent / defacto complainant in this case is none other than the sister-in-law of the first petitioner. The husband of the second respondent / defacto complainant is none other than the brother of the first petitioner. There was some property dispute between the parties. The first petitioner was also claiming for a share in the property.

10. The maximum punishment that could be imposed against the petitioners is for the offence under Section 506(i) which is for 2 years. In such an event, the final report ought to have been filed within a period of 3 years under Section 468(2)(c) of the Code of Criminal Procedure. The FIR was registered in the year 2019 and till the date of filing of this quash petition, no final report was filed. This is in spite of the fact that this Court directed that the final report could be filed within 3 months on an earlier occasion.

11. In view of the above, no useful purpose will be served in keeping the case pending, particularly since it involves a property dispute and the parties were related to each other. Therefore, the case in



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hand does not involve any extraordinary circumstances to invoke Section 473 of the Code of Criminal Procedure and condone the delay.

12. In the light of the above discussion, the FIR in Crime No. 45 of 2019 on the file of the respondent police is hereby quashed and this criminal original petition stands allowed. A copy of the order shall be marked to the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

04.11.2024

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

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To

1. The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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Order made in
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