



Crl.O.P.(MD)No.21548 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21548 of 2024

and

Crl.M.P.(MD)No.13350 of 2024

Chellamani

... Petitioner

Vs.

1.State of Tamil Nadu through,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.240 of 2021)

2.Kalavathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records connected in F.I.R. in Crime No.240 of 2021, on the file of the first respondent and quash the same as illegal as against the petitioner.

For Petitioner : Mr.S.Ramesh Kumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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ORDER

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This Petition has been filed to quash the F.I.R. in Crime No.240 of 2021, pending investigation on the file of the first respondent Police.

2. Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that the investigation has been completed and the Police report was filed before the learned Judicial Magistrate, Nilakottai, on 06.12.2024 through e-filing mode [e-filing No.LTN20220001331C202400210]. The learned Government Advocate (Criminal Side) further submitted that the concerned Court is yet to act upon the final report.

3. The learned counsel for the petitioner submits that the alleged incident took place on 10.04.2021. Although the investigation was completed by 04.05.2021, the charge sheet has not been filed before the trial court within the prescribed time. The petitioner filed a copy application on 21.08.2024, but the application was returned with the reason that the final report had not yet been numbered. The offences alleged are not serious, and the charge sheet should have been filed



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within a period of three years. Since the charge sheet has not been filed within this period, the petitioner contends that the case is barred under Section 468 of the Criminal Procedure Code (Cr.P.C.).

4. The learned Government Advocate (Criminal side) submitted that the limitation issue regarding taking cognizance should be raised before the trial Court, and it is for the trial Court to consider the same.

5. Taking into consideration the facts and circumstances of the case and also the fact that the final report has already been filed on completion of investigation, this Court is not inclined to interfere with the F.I.R. at this stage. The learned Judicial Magistrate, Nilakottai, is directed to take the charge sheet on file, which has been submitted through e-filing mode, and assign a C.C. number, provided that the Magistrate is satisfied with the explanation given for condoning the delay under Section 473 Cr.P.C. If ultimately, the Police report is acted upon and process is issued to the petitioner and he is aggrieved by the same, it is left open to the petitioner to workout his remedy in the manner known to law, if so advised.



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6.This Criminal Original Petition is disposed of in the above terms.

Consequently, the connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

09.12.2024

Copy to:-

The Judicial Magistrate,
Nilakottai,
Dindigul District.

To

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



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M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.21548 of 2024

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