



Crl.O.P.(MD)No.3076 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.3076 of 2025

Prakash

... Petitioner

Vs.

The State of Tamilnadu,
Represented by the Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.
Crime No.134 of 2021

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and under Section 482 of Cr.P.C, to call for the records and set aside the order dated 26.12.2023 passed in Crime No. 134/2021 on the file of the Judicial Magistrate Court, Pattukottai, Thanjavur District.

For Petitioner : Mr.P.Balamurugan

For Respondent : Mr.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed by the petitioner to challenge the order dated



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26.12.2023 passed by the learned Judicial Magistrate, Pattukottai for closing the complaint under Section 468 (2) of the Criminal Procedure Code, 1973 (Cr.P.C).

2. The learned counsel appearing for the petitioner would submit that he is the defacto complainant in this case and he lodged a complaint as against some of the accused. Based on the complaint, F.I.R in Crime No. 134 of 2021 for the offences under Sections 147, 448 and 427 of IPC has been registered. Thereafter, the respondent police have not filed any charge sheet and in the mean time, the learned Magistrate has closed the F.I.R under Section 468 (2) of Cr.P.C. The order of the learned Magistrate closing the F.I.R under Section 468 (2) of Cr.P.C is illegal, based on the judgement of this Court in *Kishore Vs. The State represented by the Inspector of Police [Crl.R.C.(MD).No.614 of 2023 dated 13.07.2023]*.

3. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that based on the complaint given by the defacto complainant, they registered a case in Crime No.134 of 2021 for the offences under under Sections 147, 448 and 427 of IPC. Thereafter, the said FIR has been closed by the learned Judicial Magistrate under Section 468 (2) of Cr.P.C. Now the petitioner is challenging the said order.



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4. Heard both sides and perused the records.

5. In this case, it is an admitted fact that F.I.R has been registered in Crime No.134 of 2021 for the offences under Sections 147, 448 and 427 of IPC on 19.02.2021. Thereafter, the Trial Court has closed the complaint under Section 468(2) of Cr.P.C on 26.12.2023. The petitioner mainly referred the judgment of this Court in *Kishore Vs. The State represented by the Inspector of Police [Crl.R.C.(MD).No.614 of 2023 dated 13.07.2023]*. Thereafter, this Court after referring the above said judgment of *Kishore Vs. The State represented by the Inspector of Police*, passed an order in *A.Kaliyaperumal Vs. Superintendent of Police, Cuddalore and Another* reported in 2024 SCC Online Mad 4279, passed order by holding that 468(2) of Cr.P.C., will applicable to close the complaint on the ground of limitation. Therefore, in view of the above said judgement of this Court in *A.Kaliyaperumal Vs. Superintendent of Police, Cuddalore and Another*, the petitioner can seek prayer to quash the case based on limitation. Therefore, the order passed by the Trial Court in closing the complaint on limitation ground is in order. That apart, even as per the F.I.R., there are no specific allegations to constitute the offences and there are only bald and vague allegations. Even on merits, there are no ingredients to constitute the



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offences and therefore, there are no grounds to interfere with the order of the Trial Court. Hence, this Criminal Original Petition is liable to be dismissed and accordingly dismissed.

19.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

1. The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

3. The Judicial Magistrate Court,
Pattukkottai,



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P. DHANABAL, J.

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