



Crl.O.P.(MD) No.22358 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.22358 of 2024

and

CrI.M.P(MD) No.13684 of 2024

Abul Kalam Asath

... Petitioner

Vs.

1. The Sub Inspector of Police
C-1, Thideer Nagar Police Station(Crime)
Madurai Town, Madurai

2. M.P.Murugananatham

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the Crime No. 1121 of 2008 dated 05.07.2008 on the file of the first respondent police and quash the same.

For Petitioner : Mr.P.Balan

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate (Crl. Side)

ORDER

This petition has filed to quash the First Information Report in Crime No. 1121 of 2008 on the file of the first respondent police.



Crl.O.P.(MD) No.22358 of 2024

WEB COPY

2. The case of the prosecution is that on 13.06.2008 the defacto complainant and his brother parked their two wheeler bearing Reg.No.TN 58 D 5521 near Royal wines bar and went to the shop and after one house when they came and saw their two wheeler, it was found missing, hence a case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrayed as A2 in this case and on the complaint lodged by the second respondent the first respondent registered a false case against the petitioner and the alleged date of occurrence is 13.06.2008 and the First Information Report has been registered on 05.07.2008 and so far no charge sheet has been filed. For the offence under Section 379 of IPC the punishment is only for three years. As per Section 468 of Cr.P.C., the first respondent has to file final report within three years, therefore the case is barred by limitation. Even as per the First Information Report there are no materials to constitute the offence as against the petitioner, therefore the pending First Information Report is liable to be quashed.



Crl.O.P.(MD) No.22358 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 1121 of 2008 for the offences under Section 379 of IPC and now they completed investigation and filed final report. Since the respondent police have filed final report the petitioner has to challenge the final report if he is aggrieved, and at this stage the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. This petition has been filed by the petitioner to quash the First Information Report in Crime No.1121 of 2008. It is admitted fact that the First Information Report has been registered on 05.07.2008 and the first respondent has not filed final report within the limitation period. However now the first respondent filed charge sheet before the concerned jurisdictional Magistrate and the same is pending. While so the petitioner has to challenge the final report. There are allegations to constitute the offence as against the petitioner as against the petitioner as per the First Information Report.



Crl.O.P.(MD) No.22358 of 2024

WEB COPY 7. Therefore at this stage, the argument of the learned counsel appearing for the petitioner that the case is barred by limitation cannot be considered at this stage and it is for the trial Court to decide whether the case is barred by limitation or not at the time of taking cognizance.

8. In view of the same, the Criminal Original Petition stands dismissed. .
Consequently connected miscellaneous petition stands closed.

07.04.2025

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

To

1. The Sub Inspector of Police
C-1, Thideer Nagar Police Station(Crime)
Madurai Town, Madurai
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.22358 of 2024

P.DHANABAL, J.

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Crl.O.P(MD)No.22358 of 2024

07.04.2025