



CrI.O.P.(MD)No.22580 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.22580 of 2024

and

CrI.M.P.(MD)Nos.14080 and 14083 of 2024

Samuel George Kalai Aarasar

... Petitioner

Vs.

1.State through the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District,
In Crime No.115 of 2021.

2.T.Madhavan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to quash all further proceedings of the case in S.T.C.No.239 of 2024 on the file of the learned Judicial Magistrate No.1, Kuzhithurai.

For Petitioner	: Mr.S.Karthikeyan
For R1	: Mr.A.Thiruvadi Kumar
	Additional Public Prosecutor

ORDER

The petitioner, who is facing trial in S.T.C.No.239 of 2024 for the offence under Sections 188 of IPC and 127 (A) (1) of the Representation of People Act, had filed this quash petition.



Crl.O.P.(MD)No.22580 of 2024

WEB COPY

2.The case projected against the petitioner is that on 24.03.2021 at about 10.15 p.m., the petitioner, who is an independent candidate in the Vilavancode Assembly Constituency, without any prior permission and without abutting to the rules and regulations, caused obstruction to the official candidate of Congress party. The petitioner is said to have used the leaders photo in bit notices and congress flag to make confusion among the public. Thereby, committed the offence.

3.The contention of the petitioner is that the petitioner admittedly is an opposite candidate in the general election. Since, the petitioner contest was an eyesore to the official candidate of the party, deriving vengeance, a false complaint has been registered against the petitioner by the Returning Officer without verifying the contrariness of the complaint. The petitioner in this case was not arrested and the petitioner has not applied for anticipatory bail. The petitioner has been falsely implicated in this case, since he was raising voice against the political party and the officials.

4.He would further submit that the controverting statements of the



CrI.O.P.(MD)No.22580 of 2024

witnesses would clearly shows that there is no offence made out against the petitioner. Further, in this case, the alleged occurrence is said to have taken place on 24.03.2021 and the complaint has been lodged with the delay of 6 days on 30.03.2021. But no explanation has been made for this delay. Further, the investigation has to be completed and charge sheet has to be laid within one year. However, the charge sheet has been filed on 28.11.2022. Hence, this case is hit by limitation under Section 473 of IPC. Further, there is no prayer for condoning the delay. In support of his contention he relied upon the judgment of this Court in Cr.O.P.(MD)No.14708 of 2023 dated 26.09.2023.

5.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition on the ground that the complaint has been registered in Crime No.115 of 2021 on 30.03.2021 and the alleged occurrence had taken place on 24.03.2021. After investigation, charge sheet has been filed listing out 6 witnesses. On 28.11.2022, the case has been taken on file temporarily. He fairly submitted that there is no prayer for condoning the delay.

6.Heard the learned counsel appearing on either side and perused



Crl.O.P.(MD)No.22580 of 2024

the materials placed on record.

WEB COPY

7. Admittedly, the alleged occurrence is said to have taken place on 24.03.2021 and FIR was lodged only on 30.03.2021 and final report has been filed only on 28.11.2022. That is well beyond the period of limitation under Section 468 of IPC. There is no valid reason for such delay. Further, on going through the statements made by the witnesses, this Court is of the view that there is no offence made out as against the petitioner.

8. In view of the same, this Criminal Original Petition is allowed and the entire proceedings in S.T.C.No.239 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai is quashed. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
ta

02.01.2025

To

1. The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District,



Crl.O.P.(MD)No.22580 of 2024

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



WEB COPY



Crl.O.P.(MD)No.22580 of 2024

M.NIRMAL KUMAR, J.

ta

Crl.O.P.(MD)No.22580 of 2024

02.01.2025