HIGH COURT OF MADRAS

Date of Decision: 24th January 2024

Bench: The Honourable Mr. Justice N. ANAND VENKATESH

Criminal Original Petition Nos. 433 and 543 of 2024 and Crl.MP.No.372 of 2024

Petitioners:

A.Kaliyaperumal

Subash, Aakash, Sharmila @ Chellam

Versus

Respondents:

1. The Superintendent of Police, Cuddalore District
2. The Inspector of Police, Ramanatham, Thittakudi, Cuddalore District (Crl.OP.No.433 of 2024)
3. State represented by The Inspector of Police, Sulur Police Station, Coimbatore District
4. Shanmugam (Crl.OP.No.543 of 2024)

Legislation:

Section 482 of the Code of Criminal Procedure (Cr.P.C)

Sections 294(b), 323, 506(i) of the Indian Penal Code (IPC)

Sections 467-473 of Cr.P.C (Chapter XXXVI)

Subject:

Petition for transfer of investigation in a criminal case (Crl.OP.No.433 of 2024).

Petition to quash FIR in another case (Crl.OP.No.543 of 2024).

Headnotes:

Transfer of Investigation and Limitation – Application under Section 482 Cr.P.C for transfer of investigation due to alleged inaction by police in Crl.OP.No.433 of 2024 – Final report filed after four years, exceeding limitation period under Section 468 Cr.P.C – Court exercised powers under Section 473 Cr.P.C – Directed Court below to pass orders within six weeks regarding delay [Paras 2-3, 30].

Quashing of FIR – Criminal Original Petition filed under Section 482 Cr.P.C to quash FIR in Crime No.749 of 2015 due to non-filing of final report within prescribed limitation – Offences under Sections 294(b), 323, 506(i) IPC – Exceeded limitation period without sufficient cause – FIR quashed [Paras 32-34].

Limitation for Taking Cognizance – Relevance of limitation period for offences punishable with imprisonment – Distinction between “complaint” under Section 2(d) Cr.P.C and “information” under Section 154 Cr.P.C – Limitation period calculated from date of filing final report, not from FIR date – Clarification on Sarah Mathew v Institute of Cardio Vascular Diseases [2014] 2 SCC 62 and Kishore v State [2023] 2 LW (Cri) 285 [Paras 14, 24, 26-27].

Legal Principles for Limitation in Criminal Cases – Examination of decisions including Arun Vyas v Anita Vyas [1999] 4 SCC 690 and Ramesh v. State of T.N. [2005] 3 SCC 507 – Limitation period starts from the date of final report filing in cases initiated by police report [Paras 12, 26-27].

Referred Cases:

- Sarah Mathew v Institute of Cardio Vascular Diseases [2014] 2 SCC 62
- Amritlal v Shantilal Soni [2022] 13 SCC 128
- Arun Vyas v Anita Vyas [1999] 4 SCC 690
- State of H.P. v. Tara Dutt [2000] 1 SCC 230
- Ramesh v. State of T.N. [2005] 3 SCC 507
- Kishore v State [2023] 2 LW (Cri) 285

Representing Advocates:

For Petitioners: Mr. R. Venkatesulu (Crl.OP.No.433 of 2024), Mr. M. Vijayaragavan (Crl.OP.No.543 of 2024)

For Respondents: Mr. A. Damodaran, Additional Public Prosecutor

Assistance from the Bar: Mr. M. Mohamed Riyaz, Mr. S. Thiruvengadam

COMMON ORDER

An important issue was raised in these petitions and hence the issue is being dealt with in common in these criminal original petitions. After answering the issue, the facts of each will be considered and separate orders will be passed in each petition.

2. The petition was filed in Crl.OP.No.433 of 2024, seeking transfer of investigation on the ground the police have not taken any steps to complete the investigation and file a final report even though specific directions in this regard have been issued by this Court earlier.

3. When the matter had come up on 12.01.2024, the learned Additional Public Prosecutor had submitted, on instructions, that the final report was filed before the Judicial Magistrate, Thittakudi. However, as the offence involved was punishable with imprisonment of two years, the final report ought to have been filed within the period prescribed under Section 468 Cr.PC. As the same was done only after four years, which is admittedly beyond the period of limitation, the Court below has not taken cognizance. Hence, notice has been issued to the accused in Crl.MP.No.1767 of 2023 as the Court wanted to exercise its power under Section 473 Cr.PC.

4. The attention of this Court was drawn to the decision of a learned single judge of this Court in **Kishore v. State** reported in **(2023) 2 LW (Cri) 285,** and a contention was raised that there was no requirement for

condoning the delay since the complaint was lodged with the police within the period of limitation.

5. In **Kishore v State** reported in **(2023) 2 LW (Cri) 285** an FIR was registered on 02.04.2018 for offences under Sections 279 and 337 IPC on the basis of information received on the same day from one Muthu Krishnan. As the victim subsequently succumbed, the case was altered to Section 279 & 304(A) IPC. A final report dated 30.06.2018 was filed before the Magistrate on 02.03.2023 along with an application for condonation of delay under Section 473 Cr.PC. The Magistrate allowed the application and took cognizance of the offences. The accused challenged the order passed under Section 473 Cr.PC condoning the delay before K. Murali Shankar, J. The learned judge after referring to the decision of the Hon'ble Supreme Court in **Sarah Mathew v Institute of Cardio Vascular Diseases** reported in **(2014) 2 SCC 62** & **Amritlal v ShantilalSoni**, reported in **(2022) 13 SCC 128** opined that relevant date for the purposes of Section 468 Cr.P.C is the date of filing of the complaint or the date of institution of the prosecution. Applying this test, the learned judge concluded as under:

> "16. In the case on hand, as already pointed out, the accident was allegedly occurred on 02.04.2018 and the complaint came to be lodged on the same day i.e., on 02.04.2018. Hence, this Court has no hesitation to hold that since the complaint was lodged on the date of occurrence itself, the question of invoking Section 468 Cr.P.C. does not arise at all."

6. In the previous hearing, this Court had, prima facie, expressed its reservations on the aforesaid observations as it appeared to have equated the information given to the police under Section 154 Cr.PC as being akin to a complaint under Section 2(d) of the Code. As the matter required deliberation, this Court requested the assistance of the Bar to examine the issue threadbare.

7. Pursuant to the above order passed on 12.01.2024, two other petitions came up for hearing in Crl.OP.Nos.543 and 596 of 2024. The very same issue arises in these two petitions also. Therefore, those petitions were also tagged and heard together.

8. Heard Mr.R.Venkatesulu in Crl.OP.No.433 of 2024, Mr.Vijayaragavan in Crl.OP.No.543 of 2024, learned counsel for the petitioners and Mr.A.Damodaran, leanred Additional Public Prosecutor for R1 in both criminal original petitons. Mr.M.Mohamed Riyaz and Mr.S.Thiruvengadam, learned counsels from the Bar, who rendered their assistance to this Court.

9. A general principle of criminal law is that a crime never dies. This is expressed in the maxim “nullum tempus qut locus occurritregi” meaning that the lapse of time is no bar to the Crown for the purpose of initiating proceedings against offenders. The maxim is a reflection of the principle of common law that a criminal offence is considered a wrong against the State and also the society as a whole, even though the same may have been committed against an individual.

10. When the Code of Criminal Procedure, 1898 was in vogue the legal position was that a Court could not dismiss a complaint on the ground that it was belated. Dealing with a complaint under the Customs Act, 1962, a Constitution Bench of the Hon'ble Supreme Court in **Asstt. Collector of Customs v. L.R. Melwani,** reported in **AIR 1970 SC 962,** had observed as follows:

> “The question of delay in filing a complaint may be a circumstance to be taken into consideration in arriving at the final verdict. But by itself it affords no ground for dismissing the complaint. Hence we see no substance in the contention that the prosecution should be quashed on the ground that there was delay in instituting the complaint.”

Taking note of the aforesaid position, the Law Commission of India in its 42nd Report proposed the introduction of limitation for less serious offences. The following was the recommendation made by the Commission:

“**24.14. Recommendation to introduce principle of limitation**.—We, therefore, recommend that the principle of limitation should be introduced for less serious offences under the Code. We suggest that, for the present, offences punishable with fine only or with imprisonment up to three years should be made subject to the law of limitation. The question of extending the law to graver offences may be taken up later on in the light of the experience actually gained.”

11. It is in the light of the aforesaid recommendation that Chapter XXXVI of the Code comprising Sections 467-473 Cr.P.C was introduced in the Code of Criminal Procedure, 1973. The period of limitation, like a relay race, has a start and a finish point. Sections 467 states that the "period of limitation" is the period prescribed in Section 468 for taking cognizance of an offence. Clause (2) of Section 468 Cr.P.C prescribes a graded period of limitation ranging from six months to three years for offences ranging from punishments of fine upto punishment for a period not exceeding three years.

12. Then comes Section 469 Cr.P.C which is crucial for reckoning the starting point of the period of limitation. Section 469(a) spells out the general rule that the limitation shall run from the date of the offence (excluding the first day under Clause (2) of Section 469). Section 469 (b) and (c) are exceptions to the general rule providing for deferment of running of limitation in cases where (a) the commission of the offence is not known or (b) the offender is not known.

In such cases the limitation would commence as follows:

Nature of the case	**Period from which limitation commences**
Where the commission of the offence is not known to the person aggrieved or to any police officer [Section 469(b)]	The first day on which the offence comes to the knowledge of such person or police officer, whichever is earlier;
Where it is not known by whom the offence is committed [Section 469(c)]	The first day on which the identity of the offender is known to the person aggrieved by such offence or the police officer, whichever is earlier.

13. Sections 470 and 471 Cr.P.C provides for the exclusion of time in certain cases. Section 472 Cr.P.C incorporates the well-known rule that in case of a continuing offence, a fresh period of limitation begins to run at every moment of the time during which the offence continues. Section 473 Cr.P.C empowers the Court to condone the delay and take cognizance beyond the period prescribed in Section 468 Cr.PC if it is satisfied that the delay has been properly explained or that it is necessary to do so in the interests of justice. This is broadly the scheme of Chapter XXXVI Cr.P.C.

14. Before proceeding, it is necessary to clear the prevailing confusion on the meaning of the expression "complaint" under the Cr.P.C. As is well known, where the commission of a cognizable offence is alleged, the police is under an obligation under Chapter XII of the Code to register an FIR and investigate. A close reading of Section 154 Cr.P.C would show that the basis of an FIR is the receipt by the police officer of "information relating to the commission of a cognizable offence". In other words, Section 154 Cr.P.C contemplates the giving of "information" and not a "complaint". That apart, a complaint under Section 2(d) is made to a Court and not to a police officer. For better appreciation Section 2(d) reads as follows:

> "complaint" means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.
> Explanation.—A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant"

In a case emanating out of an FIR, the police file a final report under Section 173(2) Cr.P.C which the Court takes cognizance of under Section 190(1)(b) of the Code. On the other hand, a complaint under Section 2(d) is presented to a Court under Section 190(1)(a). This dichotomy is fundamental to the scheme of the Code, and the Court cannot brook a lack of conceptual clarity on these aspects.

15. In the aforesaid backdrop, it is now necessary to examine the decision of the Constitution Bench in **Sarah Mathew v Institute of Cardio Vascular Diseases** reported in **(2014) 2 SCC 62** in some detail. In **Krishna Pillai v T. A Rajendran** reported in **(1990 Supp SCC 121)** a three-judge bench of the Hon'ble Supreme Court dealt with a case under Section 9 of the Child Marriage Restraint Act, 1929 which prescribed one year as the limitation for taking cognizance of an offence under the Act. In that case, a complaint had been filed within one year of the offence but by the time cognizance had been taken the period of one year had expired. The Court quashed the prosecution and opined that filing of a complaint would not amount to taking of cognizance.

16. In **Bharat Damodar Kale v State of A.P** reported in **(2003) 8 SCC 559,** the Hon'ble Supreme Court was dealing with a case under the Drugs and Cosmetics Act, 1940 where a prosecution is commenced upon a complaint under Section 32 of the said Act. After referring to the legal provisions, the Hon'ble Supreme Court held:

> "All these provisions indicate that the court taking cognizance can take cognizance of an offence the complaint of which is filed before it within the period of limitation prescribed and if need be after excluding such time which is legally excludable. This in our opinion clearly indicates that the limitation prescribed is not for taking cognizance within the period of limitation, but for taking cognizance of an offence in regard to which a complaint is filed or prosecution is initiated beyond the period of limitation prescribed under the Code. Apart from the statutory indication of this view of ours, we find support for this view from the fact that taking of cognizance is an act of the court over which the prosecuting agency or the complainant has no control. Therefore, a complaint filed within the period of limitation under the Code cannot be made infructuous by an act of court."

17. In **Japani Sahoo v. Chandra Sekhar Mohanty** reported in **(2007) 7 SCC 394**, the victim lodged a complaint before the Court of the Sub-Divisional Magistrate. The Court took cognizance of the complaint for the offences under Section 294 and 323 IPC. The High Court held that as the offence had taken place on 02.02.1996 and the complaint was filed before the Court on 05.02.1996, the Court ought to have taken cognizance within one year. However, cognizance was taken only on 08.08.1997. The complaint was accordingly dismissed. The Hon'ble Supreme Court set aside the order and after referring to the decision in **Bharat Damodar Kale v State of A.P** reported in **(2003) 8 SCC 559**, it held that as the complaint was filed within two days, the subsequent delay in taking cognizance caused by the Court could not be put against the complainant applying the principle of actus curiae neminemgravabit.

18. Thus, a conflict existed between a three-judge bench decision in **Krishna Pillai v T. A Rajendran** reported in **(1990 Supp SCC 121)** holding that the relevant date was the date of taking cognizance and not the date of filing of the complaint, and two decisions of two-judge benches in **Bharat Damodar Kale v State of A.P** reported in **(2003) 8 SCC 559** and **Japani Sahoo v.**

Chandra Sekhar Mohanty reported in **(2007) 7 SCC 394** holding that the relevant date was the date of filing of the complaint.

19. Sarah Mathew's case arose out of a decision of this Court (reported in **2002 2 LW Crl 948**) quashing a private complaint on the ground of limitation. In **Aru v State** reported in (1993 LW Cri 127) T.S Arunachalam, J followed the decision of the Hon'ble Supreme Court in **Krishna Pillai v T. A Rajendran** reported in **(1990 Supp SCC 121)** and held that the relevant date is the date of taking cognizance and not the date of filing of the complaint. In Sarah Mathew, a private complaint was filed alleging that one Mathai Mathew, who was suffering from heart ailments died on account of the rash and negligent treatment provided by the hospital. The patient had died on 02.12.1993, and the private complaint was filed before the Court on 27.11.1996 just before the expiry of 3 years. Cognizance was, however, taken only on 11.07.1997. A. Packiaraj, J found himself bound by the decision in **Aru v State** reported in (**1993 LW Cri 127**), and eventually quashed the complaint condemning the "callous and lethargic attitude of the then XVII Metropolitan Magistrate who has slept over the matter without passing any judicial order". When the matter was taken to the Hon'ble Supreme Court, the conflict between **Krishna Pillai**, supra, and the two-judge bench decisions in **Bharat Damodar** and **Japani Sahoo** was noticed, and a reference was made by a three-judge bench to a Constitution Bench for an authoritative pronouncement (See 2014 2 SCC 104).

20. From the above discussion, it is manifestly clear that all of the aforesaid decisions including the reference to the Constitution Bench in Sarah Mathew were cases arising out of a complaint under Section 190(1)(a) and not by way of a police report under Section 173(2) Cr.P.C.

21. The Constitution Bench eventually overruled **Krishna Pillai**, supra, and concluded as under:

"**51.** In view of the above, we hold that for the purpose of computing the period of limitation under Section 468 CrPC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance. We further hold that Bharat Kale [Bharat Damodar Kale v. State of A.P., (2003) 8 SCC 559 :2004 SCC (Cri) 39] which is

followed in Japani Sahoo [Japani Sahoo v. Chandra Sekhar Mohanty, (2007) 7 SCC 394 : (2007) 3 SCC (Cri) 388] lays down the correct law. Krishna Pillai [Krishna Pillai v. T.A. Rajendran, 1990 Supp SCC 121 : 1990 SCC (Cri) 646] will have to be restricted to its own facts and it is not the authority for deciding the question as to what is the relevant date for the purpose of computing the period of limitation under Section 468 CrPC."

22. It must also be pointed out that the Constitution Bench has used the expression "date of filing of the complaint or the date of institution of prosecution". The expression "date of institution of prosecution" was used in **Japani Sahoo's** case (affirmed by the Constitution Bench) which, as discussed above, was a prosecution under the Drugs and Cosmetics Act, 1940. Section 32 of the said Act states that "no prosecution under this Chapter shall be instituted except by…..". Thus, the expression "institution of prosecution" was used in **Sarah Mathew's** case to denote cases where authorities under the Drugs and Cosmetics Act, 1940 and other similar enactments commence prosecution by filing complaints under Section 190(1)(a) before the Magistrate. This expression should not be confused with the lodging of an FIR since the decision in **Sarah Mathew's** case had nothing to do with prosecutions under Chapter XII of the Cr.P.C.

23. In **Kishore v State** reported in **(2023) 2 LW (Cri) 285**, it was not brought to the notice of the learned single judge that the decision in **Sarah Mathew**, supra, arose out of a prosecution under Section 304-A IPC by way of a private complaint under Section 190(1)(a) Cr.P.C whereas the facts in **Kishore** were exactly the opposite as the prosecution under Section 304-A IPC was by way of a final report filed under Section 190(1)(b) Cr.P.C. The learned single judge, in Kishore, had concluded as under:

"16. In the case on hand, as already pointed out, the accident was allegedly occurred on 02.04.2018 and the **complaint came to be lodged on the same day** i.e., on 02.04.2018. Hence, this Court has no hesitation to hold that since the complaint was lodged on the date of occurrence itself, the question of invoking Section 468 Cr.P.C. does not arise at all."

It appears that this Court had overlooked the fact that a "complaint" under the Cr.P.C can be lodged only before the Court and not before the police. Thus,

what was lodged on 02.04.2018 was actually information relating to the commission of the offence which led to the registration of an FIR on the same day.

24. The decision in **Sarah Mathew**, supra, has no doubt held that the relevant date is the date of filing of the complaint. However, as pointed out above, those observations were made in the context of acase arising out of a complaint under Section 190(1)(a). An FIR is lodged under Section 154 Cr.PC upon receipt of “information” and is not a “complaint”. The term “complaint” under the Cr.PC has a definitive meaning and the relaying of information to the police to set the criminal law in motion under Section 154 Cr.PC does not amount to giving a “complaint” within the meaning of Section 2(d) of the Code.

25. While construing precedents the following caution by the Constitution Bench in **Padma Sundara Rao v. State of T.N.,** reported in **(2002) 3 SCC 533,** must be observed:

> Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board [(1972) 2 WLR 537 : 1972 AC 877 (HL) [Sub nom British Railways Board v. Herrington, (1972) 1 All ER 749 (HL)]] . Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases.”

26. Limitation in the context of a case instituted on a police report was considered by the Hon'ble Supreme Court in **Arun Vyas v Anita Vyas** reported in **(1999) 4 SCC 690**. The Court held as follows:

> “**13.**The essence of the offence in Section 498-A is cruelty as defined in the explanation appended to that section. It is a continuing offence and on each occasion on which the respondent was subjected to cruelty, she would have a new starting point of limitation. The last

act of cruelty was committed against the respondent, within the meaning of the explanation, on 13-10-1988 when, on the allegation made by the respondent in the complaint to the Additional Chief Judicial Magistrate, she was forced to leave the matrimonial home. Having regard to the provisions of Sections 469 and 472 the period of limitation commenced for the offences under Sections 406 and 498-A from 13-10-1988 and ended on 12-10-1991. But the charge-sheet was filed on 22-12-1995, therefore, it was clearly barred by limitation under Section 468(2)(c) CrPC."

This decision makes it clear that the relevant date for reckoning the cut-off is the date on which the final report was filed and not the date on which the FIR was registered. The aforesaid conclusion was referred to and affirmed by a three-

judge bench in **State of H.P. v. Tara Dutt,** (2000) 1 SCC 230, and followed by another two-judge bench in **Ramesh v. State of T.N.,** reported in **(2005) 3 SCC 507.** In **Ramesh**, the facts were that an FIR was registered on 23.06.1999 for an offence under Section 498-A IPC. The informant had exited the matrimonial home on 02.02.1997 and applying the decision in **Arun Vyas v Anita Vyas** reported in **(1999) 4 SCC 690**, the last act of cruelty was taken to be the point for the commencement of limitation under Section 469 Cr.PC. The Court found that the process of investigation and filing of the charge-sheet took its own time and was completed when the final report was filed on 28.12.2001 which was beyond the period of three years. The Hon'ble Supreme Court held that the Magistrate was barred from taking cognizance unless the delay was properly explained under Section 473 Cr.PC. A serious flaw in **Kishore v State** reported in **(2023) 2 LW (Cri) 285** is evident when one applies the law therein to the facts of **Ramesh v. State of T.N.,** reported in **(2005) 3 SCC 507.** The limitation in **Ramesh** having commenced on 02.02.1997 and the FIR having been lodged on 23.06.1999, applying **Kishore v State** reported in **(2023) 2 LW (Cri) 285** the issue of limitation would not arise. However, the conclusion of the Hon'ble Supreme Court is precisely the opposite which is on account of the fact that **Kishore v State** reported in **(2023) 2 LW (Cri) 285** unfortunately applies the ratio of a complaint case to a case instituted on a police report.

27. For the aforesaid reasons, I am unable to subscribe to the view taken by the learned single judge in **Kishore v State** reported in **(2023) 2 LW (Cri) 285.** In normal circumstances, this would have necessitated a reference to a Division Bench for an authoritative pronouncement. However, as I find the law to be settled by a three-judge bench of the Hon'ble Supreme Court, the requirement of making a reference has been obviated.

28. In this view of the matter, it is not necessary for me to dwell on the observations of the two-judge bench in **Amrit Lal Soni v ShantilalSoni** reported in **(2022) 13 SCC 128**, as I am bound by the decision in **Arun Vyas v Anita Vyas** reported in **(1999) 4 SCC 690**, as affirmed by the three-judge bench in **State of H.P. v. Tara Dutt,** reported in **(2000) 1 SCC 230**. Even amongst benches of coordinate strength, it is well settled that the view earlier in point of time would prevail (See **National Insurance Company Limited .v Pranay Sethi**, reported in **(2017) 16 SCC 680)**.

29. Having answered the issue that was taken up for consideration, the facts of the case in each petition is considered hereunder:

I. Crl.OP.No.433 of 2024

30. In this case, the petitioner has sought for the transfer of investigation on the ground that the respondent police did not take any steps to complete the investigation. Even during the earlier proceedings on 12.01.2024, this Court took note of the fact that the investigation was completed and final report was filed before the learned Judicial Magistrate, Thittakudi. Since there was a delay in filing the final report, the Court below has decided to exercise its powers under Section 473 of Cr.PC and has issued notice to the accused persons in CMP.No.1767 of 2023. Hence, there shall be a direction to the Court below to pass orders in CMP.No.1767 of 2023, after affording opportunity to the accused persons, within a period of **six weeks** from the date of receipt of a copy of this order.

31. In the result, Crl.OP.No.433 of 2024, is disposed of with the above direction.

II. Crl.OP.No.543 of 2024

32. This criminal original petition has been filed to quash the FIR in Crime No.749 of 2015 on the ground that the FIR was registered in Crime No.749 of 2015 and till date, no final report has been filed. Therefore, it was contended that there is a bar in taking cognizance under Section 468(2)(c) Cr.PC.

33. The offence under Section 294(b) IPC is punishable with six months imprisonment. The offence under Section 323 IPC is punishable with maximum imprisonment of one year and the offence under Section 506(i) IPC is punishable with maximum imprisonment of two years. In view of the same, the final report ought to have been filed within three years as provided under Section 468(2)(c) of Cr.PC. Till date, the final report has not been filed. Considering the allegations made in the FIR, no useful purpose will be served in keeping the FIR pending. This is not a fit case to exercise jurisdiction under Section 473 Cr.PC.

34. In the light of the above discussion, the FIR in Crime No.749 of 2015, pending investigation on the file of the 1st respondent is hereby quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

35. Before drawing curtains, this Court wants to thank the Bar for effectively assisting the Court in arriving at a conclusion in a case, which involved a knotty legal issue.