



WEB COPY



Crl.O.P.Nos.8320 and 4970 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.Nos.8320 and 4970 of 2026
and Crl.M.P.Nos.5894 and 5896 of 2026

D.Velazhagan

... Petitioner (in both Crl.OPs)

vs.

1.State By;
The Sub-Inspector of Police,
Ariyur Police Station
Ariyoor. Vellore Dt.

2.S.Raja Venkatesan

... Respondents (in both Crl.OPs)

PRAYER in Crl.O.P.No.8320 of 2026:- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to C.C.No.113 of 2026 on the file of the Judicial Magistrate No.1 at Vellore and quash the charge sheet/final report.

PRAYER in Crl.O.P.No.4970 of 2026:- Criminal Original Petition is filed under Section 528 of BNSS, to call for the records relating to FIR in Crime No.103 of 2021 on the file of Ariyoor Police Station, Vellore District and quash the same as barred by limitation under Section 514 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (U/S 468 Cr.P.C.).

For Petitioner : Mr.B.Lenin Balu
(in both Crl.OPs)



WEB COPY



Crl.O.P.Nos.8320 and 4970 of 2026

For R1 : Mr.Arun Anbumani
Government Advocate (Criminal Side)
(in both Crl.OPs)

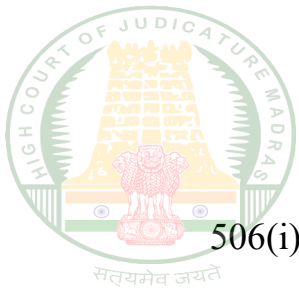
For R2 : No Appearance (in both Crl.OPs)

COMMON ORDER

The Criminal Original Petition in Crl.O.P.No.8320 of 2026 has been filed to quash the proceedings in C.C.No.113 of 2026 on the file of the Judicial Magistrate No.1, Vellore.

2. The Criminal Original Petition in Crl.O.P.No.4970 of 2026 has been filed to quash the proceedings in Crime No.103 of 2021 on the file of Ariyoor Police Station, Vellore District.

3. The case of the prosecution is that on 03.04.2021, when the 2nd respondent and his election team members were searching the persons, who were distributing money to voters to vote in favour of their candidates within the Anaicut Constituency of Vellore District. At that time, they found three persons who were distributing money to voters in front of a house at Vellikadai Bus Stop, Anaicut Taluk. Immediately, they were arrested by the 1st respondent and registered an FIR for the offences under Section 294(b), 353, 171(E) and



506(i) of IPC. The 1st respondent also seized cash of Rs.13,500/- from them, voters list of Ward Member No.164 of Anaicut Constituency, a long-size notebook containing entries of Sekanoor Muslim Street and voters information slips of Anaicut Constituency issued by the Election Commission. After completion of investigation, the 1st respondent filed final reports and the same have been taken cognizance by the Trial Court in Crime No.103 of 2021 and C.C.No.113 of 2026.

4. The petitioner is arrayed as 4th accused. He has been included in this case only based on the confession statement of the 1st accused. That apart, on the strength of the confession statement, there was no recovery from the petitioner. Except the confession statement, there is no evidence to show that the petitioner was directly involved in the offence and distributed money to the voters. Therefore, the confession statement of co-accused cannot be sufficient to proceed as against the petitioner/4th accused.

5. Further, except the confession statement of co-accused person cannot be sufficient to proceed as against the petitioner for the offences under Section 294(b), 353, 171(E) and 506(i) of IPC. That apart, the Trial Court ought not to have taken cognizance and final report filed by the



Crl.O.P.Nos.8320 and 4970 of 2026

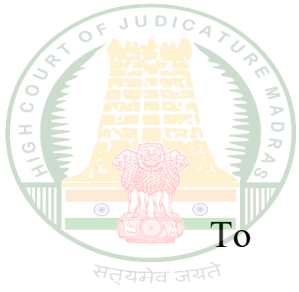
1st respondent in Crime No.103 of 2021 since it is barred by limitation under Section 468 of the Criminal Procedure Code. The FIR got registered on 03.04.2021. Therefore, the limitation for taking cognizance expires as on 02.04.2024. However, the 1st respondent failed to file any final report on or before 02.04.2024 before the concerned jurisdictional Magistrate.

6. That apart, the 1st respondent also did not file any petition for condonation of delay for filing final report after expiry of limitation period. The charge sheet was laid after lapse of 4 years and 11 months. Even then, the Trial Court had taken cognizance on the final report filed by the 1st respondent. On these grounds also, the entire proceedings cannot be sustained and are liable to be quashed. Accordingly, the proceedings in Crime No.103 of 2021 and C.C.No.113 of 2026 are quashed.

7. In the result, the Criminal Original Petitions are allowed. Consequently, the connected criminal miscellaneous petitions are closed.

03.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm



Crl.O.P.Nos.8320 and 4970 of 2026

To

WEB COPY

- 1.The Judicial Magistrate No.1,
Vellore.
- 2.The Sub-Inspector of Police,
Ariyur Police Station
Ariyoor. Vellore Dt.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



Crl.O.P.Nos.8320 and 4970 of 2026

G.K. ILANTHIRAIYAN, J.

dm

Crl.O.P.Nos.8320 and 4970 of 2026
and Crl.M.P.Nos.5894 and 5896 of 2026

03.07.2026