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Crl.O.P.(MD).No.12730 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.12730 of 2026

and

Crl.M.P(MD) Nos.12483 and 12484 of 2026

Kathiravan

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Represented by
The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.5 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in S.T.C.No.707 of 2023 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as against the petitioner.

For Petitioner : Mr.R.L.Dilipan Pandian
for Mr.B.Vignesh

For Respondent : Mr.P.Samuel Gunasingh
Government Advocate (Crl.Side)



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ORDER

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The present petition has been filed by A2 in S.T.C.No.707 of 2023, on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, seeking to quash the charge sheet, wherein he is charged with the offences under Section 283 of IPC r/w.Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. A perusal of the FIR reveals that it has been registered on 09.01.2021 and the charge sheet has been laid on 21.09.2022.

3. According to the learned counsel appearing for the petitioner, the punishment for an offence under Section 283 of IPC, is imposition of fine alone. The punishment for the offence under Section 4A(1a), is under Section 4(b) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. 4(b), where the punishment extents to imprisonment for a period of one year. The learned counsel appearing for the petitioner has relied upon Section 468 of Cr.P.C and contended that the charge sheet having not been laid within a period of one year, the Court cannot take cognizance of the same.



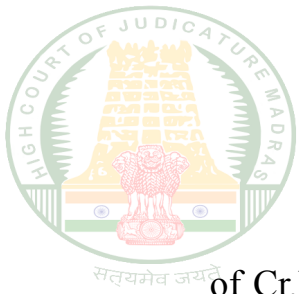
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4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent herein relying upon the decision of this Court in Crl.O.P(MD) No.19783 of 2024, dated 15.05.2025 between ***(Balamurugan and another Vs.The State of Tamil Nadu, Represented by its the Inspector of Police, Pamban Police Station, Ramanathapuram District and another)*** contended that the occurrence has taken place on 09.01.2021 and on the same date, the FIR having been registered, the question of invoking Section 468 of Cr.P.C does not arise. He further pointed out that the period of limitation stops as and when the FIR is registered.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. Admittedly, an FIR has been registered on 09.01.2021 for the alleged offences under Sections 283 of IPC r/w. Section 4A(1a) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. The maximum punishment under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, is imprisonment for a period of one year. As per Section 468 (2)(b)



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of Cr.P.C, the Court cannot take cognizance of an offence after expiry of the period of limitation. Unless charge sheet is laid, the Court cannot take cognizance of an offence. Therefore, if the charge sheet is not laid within a period of one year, the jurisdictional Court cannot take cognizance.

7. If the registration of the FIR itself would halt the progress of the limitation, then there is no necessity for Section 471 and Section 473 of Cr.P.C. Section 471 of Cr.P.C clearly points out that the date on which the court is closed, shall stand excluded for limitation and on the date of reopening, the Court can take cognizance. Section 473 of Cr.P.C clearly points out that the Court can take cognizance of an offence after the expiry of the period of limitation if it is satisfied on the fact and circumstances of the case and the delay has been properly explained. Therefore, it is clear that taking cognizance is the judicial function of a Court and mere registration of an FIR by the Police authorities would not stop the period of limitation and in such circumstances, unless a final report is filed by the investigation agency before the competent Court, within the time prescribed under Section 468 of Cr.P.C, the Court would be barred in taking cognizance of the offences which are referred to under Section 468 (2)(a) to (C) of the said provision.



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8. In the present case, admittedly the charge sheet having been laid after a period of one year and the Court is clearly barred from taking cognizance of the same in view of Section 468 (2) (b) of Cr.P.C. In such circumstances, continuation of the criminal proceedings is only an abuse of process of law and therefore, the charge sheet in S.T.C.No.707 of 2023 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, is hereby quashed.

9. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

29.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate,
Paramakudi, Ramanathapuram District.
2. The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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R.VIJAYAKUMAR,J.

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