



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.03.2024**

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**CORAM**

**THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH**

**CrI.O.P.No.5235 of 2024**  
**and CrI.M.P.No.3819 of 2024**

P.Prasanth

... Petitioner

Vs.

State Rep. by: The Inspector of Police,  
Tambaram Police Station,  
Chennai District.  
(Crime No.440 of 2021)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.440 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Esakkimuthu

For Respondent : Mr.A.Damodaran  
Additional Public Prosecutor

**ORDER**

This criminal original petition has been filed challenging the FIR registered in Crime No.440 of 2021 pending investigation on the file of the respondent police.

2.The FIR has been registered for offence under Section 7(1)(a)(i) of Essential



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Commodities Act, 1955. There are totally ten accused persons in this case. The petitioner has been arrayed as A6.

3.The main ground that was urged by the learned counsel for the petitioner is that the offence is punishable with a maximum imprisonment of one year and hence, a final report ought to have been filed within a period of one year as provided under Section 468(2)(b) of Cr.P.C., However. Since no final report has been filed till date, there is a bar for the Court below to take cognizance of the final report. Hence, the learned counsel sought for the quashing of the FIR.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that this offence took place during the COVID period and now investigation has been completed and the final report will be filed before the concerned Court.

5.In the considered view of this Court, till date the final report has not been filed in this case. Therefore, the bar under Section 468(2)(b) of Cr.P.C., will start operating. If ultimately, final report is filed, the Court below cannot take cognizance unless the Court below chooses to exercise its jurisdiction under Section 473 of Cr.P.C. If any such decision is taken by the Court below, notice has to be served on the accused persons and only thereafter, the final report can be taken cognizance.



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6. The above clarity given by this Court will sufficiently take care of the grievance expressed by the petitioner.

7. This criminal original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

**06.03.2024**

Index: Yes/No  
Internet: Yes/No  
ssr

To

1. The Inspector of Police,  
Tambaram Police Station,  
Chennai District.

2. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**N.ANAND VENKATESH,J.**

SSR

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