



Crl.O.P.No.1186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.1186 of 2025
and Crl.M.P.No.725 of 2025

Manivel @ Vendhar Manivel

... Petitioner

Vs.

1. The State rep by
The Inspector of Police,
District Crime Branch (DCB),
Villupuram District,
Villupuram.

2. Ravi Ponmalai

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in Crime No.32 of 2017 and quash the same pending on the file of the first respondent police.

For Petitioner : Mr.M.Kalaiyaran

For Respondents

For R1 : Mr.A.Gopinath

Government Advocate (Crl. Side)



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ORDER

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This petition has been filed to quash the FIR in Crime No.32 of 2017 on the file of the first respondent police, registered for the offences punishable under Sections 294(b), 504, 505(1)(c) 506(1) of IPC and Section 67 of the Information Technology Act, 2000.

2. The case of the prosecution is that the defacto complainant, who was the District Secretary in Deepa Peravai, AIADMK at Villupuram District, lodged complaint alleging that the petitioner made false allegations and defamatory statements against the Deepa who is Secretary of Deepa Peravai. He further stated that the petitioner also spiriting the defamatory statements by way of social media viz., Whatsapp and Facebook. On receipt of the complaint, the first respondent registered FIR in Crime No.32 of 2017 for the offences punishable under Sections 294(b), 504, 505(1)(c) 506(1) of IPC and Section 67 of the Information Technology Act, 2000.

3. It is seen that though the FIR was registered in the year 2017, sofar the first respondent did not complete the investigation and file any final report. All the offences are punishable with not exceeding more



than three years. If the offences registered for punishment not exceeding three years, the limitation for taking cognizance is three years. It is relevant to extract the provision under Section 514 of Bharatiya Nagarik Suraksha Sanhita, 2023 as follows :-

514. Bar to taking cognizance after lapse of period of limitation.—(1) Except as otherwise provided in this Sanhita, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.

(2) The period of limitation shall be—

(a) six months, if the offence is punishable with fine only;

(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;

(c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.

(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.”

Therefore, the first respondent ought to have filed final report within a period of three years from the registration of FIR. However, so far the investigation has not been completed and as such, the FIR itself cannot be



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sustained and liable to be quashed, on the ground of barred by limitation.

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4. Accordingly, the FIR in Crime No.32 of 2017 on the file of the first respondent, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

19.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Inspector of Police,
District Crime Branch (DCB),
Villupuram District,
Villupuram.

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



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G.K.ILANTHIRAIYAN, J.

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