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Crl.O.P.No.3191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM:

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

Crl.O.P.No.3191 of 2024
and Crl.M.P.No.2337 of 2024

1. Mathiyazhagan
2. Surya
3. Rajkumar

... Petitioners

vs.

1. State Rep. by the Inspector of Police,
Anaikaranchathram Police Station,
Mayiladuthurai District.

2. Mani

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Criminal Procedure, 1973, to call for the records in connection with the FIR in Crime No.759/2020 on the file of the first respondent and quash the same.

For Petitioner : Mr.M.Vijayaragavan

For R1 : Mr.R.Vinothraja

Govt.Advocate (Crl.side)



Crl.O.P.No.3191 of 2024

WEB COPY

O R D E R

This Criminal Original Petition has been filed to to quash the FIR in Crime No.759 of 2020 on the file of the first respondent.

2. The case of the prosecution is that on 22.07.2020, there was a wordy quarrel between the 1st petitioner and his relative regarding land dispute. Hence, the defacto complainant had questioned the 1st petitioner and for which the petitioners had abused the defacto complainant using filthy language and attacked him and also threatened with dire consequences. On the basis of the above said allegations, the first respondent police registered the complaint against the petitioners and other for the offences under Sections 294(b) 323, & 506(i) of IPC, in Crime No.759 of 2020.

3. Heard the learned Counsel appearing on either side and perused the materials placed on record.



Crl.O.P.No.3191 of 2024

WEB COPY

4. A perusal of the records would show that the petitioners are arrayed as accused Nos.1 to 3 in Crime.No.759 of 2020. After registering the FIR, the first respondent had completed the investigation. Even, assuming that the first respondent filed final report and the same has not been taken cognizance by the Trial Court. All the offences are punishable with maximum punishment of three years. Therefore, the Trial Court ought to have been taken cognizance within three years from the date of filing of FIR. However, so far, the first respondent did not file any final report and no cognizance has been taken by the Trial Court. Therefore, as per Section 468 of Cr.P.C., there is a bar to taking cognizance after lapse of three years. It is relevant to extract the provision under Section 468 of Cr.P.C., which reads as follows :-

468. Bar to taking cognizance after lapse of the period of limitation.

- (1) Except as otherwise provided elsewhere in this Code, 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 ;



WEB COPY



Crl.O.P.No.3191 of 2024

(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 purpose of this section, the period of limitation, in relating 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.

5. Therefore, the period of limitation for filing final report is three years from the date of registration of the FIR. The Trial Court cannot take any cognizance after expiry of three years from the date of registration of FIR.

6. In view of the above, the FIR in Crime No.759 of 2020 on the file of the first respondent cannot sustained and is liable to be quashed, since keeping the FIR pending would serve no purpose and would amount to an abuse of the process of law.



Crl.O.P.No.3191 of 2024

WEB COPY

Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

26.03.2025

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

To

1. The Inspector of Police,
Anaikaranchathram Police Station,
Mayiladuthurai District.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.3191 of 2024

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.3191 of 2024

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