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Crl.O.P.(MD).Nos.683 and 684 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD).Nos.683 and 684 of 2025
and Crl.M.P.(MD)Nos.463, 464, 468 and 471 of 2025

Crl.O.P.(MD).No.683 of 2025:-

R.S.Rajakannappan

... Petitioner

Vs

1. The State of Tamil Nadu,
The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
(Crime No.39 of 2021)

2. Mutharasu

... Respondents

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023, pleased to call for the records pertaining to the case in S.T.C.No.118 of 2024 on the file of Judicial Magistrate No.1, Ramanathapuram and quash the same.

Crl.O.P.(MD).No.684 of 2025:-

R.S.Rajakannappan

... Petitioner

Vs

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Crl.O.P.(MD).Nos.683 and 684 of 2025

1. The State of Tamil Nadu,
The Inspector of Police,
Salai Gramam Police Station,
Sivagangai District.
Cr.No.34/2021.

2. Selvakumar

... Respondents

Prayer : Criminal Original Petition has been filed under Section 528 of BNSS Act, 2023, pleased to call for the records pertaining to the case in S.T.C.No.39 of 2024 on the file of Judicial Magistrate No.1, Sivagangai and quash the same.

In Both Crl.O.Ps

For Petitioner	: Mr.R.Raghul for Mr.S.Ramasamy
For R1	: Mr.K.M.D.Muhilan Government Advocate (Crl.Side)
For R2	: Notice served No appearance

COMMON ORDER

Crl.O.P.(MD).No.683 of 2025 has been filed to quash the proceeding in S.T.C.No.118 of 2024 on the file of Judicial Magistrate No.1, Ramanathapuram.

2. Crl.O.P.(MD).No.684 of 2025 has been filed to quash the proceeding in S.T.C.No.39 of 2024 on the file of Judicial Magistrate No.1, Sivagangai.



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3. Heard the learned counsel for the petitioner and the learned

Government Advocate (Crl.side) for the first respondent and perused the materials available on record. Though notice served on the second respondent and the name has been printed in the cause list, today, no one appeared on behalf of the second respondent in person or through pleader.

Crl.O.P.(MD).No.683 of 2025:-

4. The case of the prosecution is that on 27.03.2021 at about 04.30 p.m, the defacto complainant found that, pursuant to the instructions of the petitioner, a party flag was erected in the areas of Karungulam and Kolipatthi Village and election propaganda was carried out, which is against the Election code of conduct.

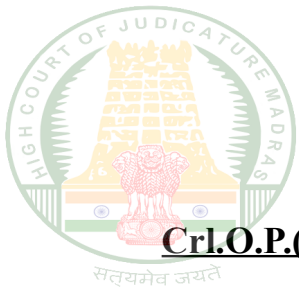
5. On the said allegations, the first respondent registered FIR in Crime No.39 of 2021 for the offences punishable under Sections 4A (1a) and 4B of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After completion of the investigation, final report has been filed by the first respondent and the same has been taken cognizance in S.T.C.No.118 of 2024 on the file of Judicial Magistrate No.1, Ramanathapuram.



WEB COPY 6. The above said offences are punishable with a maximum imprisonment of one year. Therefore, the first respondent ought to have filed the final report within one year from the date of registration of the FIR, to enable the Trial Court to take cognizance.

7. In the case on hand, the FIR has been registered on 27.03.2021 and the first respondent filed a final report only on 09.01.2024 and as such, it is clearly barred by limitation under Section 468 of Cr.P.C. After the lapse of one year, the Trial Court ought not to have taken cognizance of the final report filed by the first respondent. On this sole ground, the impugned proceeding cannot be sustained and is liable to be quashed.

8. Accordingly, the proceeding in S.T.C.No.118 of 2024 on the file of Judicial Magistrate No.1, Ramanathapuram, is hereby quashed. Crl.O.P.(MD).No.683 of 2025 is allowed. Consequently, connected Miscellaneous petitions are closed.



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9. The case of the prosecution is that on 02.04.2021 at about 04.15 p.m, the petitioner supported the candidature who contested for the post of Member of Legislative Assembly for the constituency of Muthugulathur and bursted crackers followed by 15 vehicles. It is a violation of Election Code of Conduct.

10. On the said allegations, the first respondent registered FIR in Crime No.34 of 2021 for the offences punishable under Sections 171 (H) and 286 of IPC. After completion of the investigation, final report has been filed by the first respondent and the same has been taken cognizance in S.T.C.No.39 of 2024 on the file of Judicial Magistrate No.1, Sivagangai.

11. The maximum punishment for the offence under Section 171 (H) of IPC is only fine and the maximum punishment for the offence under Section 286 of IPC is imprisonment for six months. Therefore, the first respondent ought to have filed the final report within one year from the date of registration of the FIR, to enable the Trial Court to take cognizance.



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12. In the case on hand, the FIR has been registered on 02.04.2021 and

the first respondent filed a final report only on 01.08.2022 and as such, it is clearly barred by limitation under Section 468 of Cr.P.C. After the lapse of one year, the Trial Court ought not to have taken cognizance of the final report filed by the first respondent. On this sole ground, the impugned proceeding cannot be sustained and is liable to be quashed.

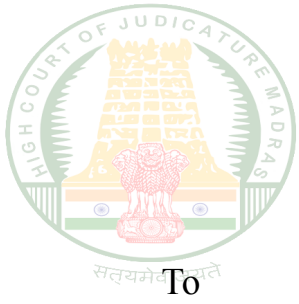
13. Accordingly, the proceeding in S.T.C.No.39 of 2024 on the file of Judicial Magistrate No.1, Sivagangai, is hereby quashed. Crl.O.P.(MD).No.684 of 2025 is allowed. Consequently, connected Miscellaneous petitions are closed.

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Index:Yes/No

Speaking Order: Yes/No

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To
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1. The Judicial Magistrate No.1, Ramanathapuram.
2. The Judicial Magistrate No.1, Sivagangai.
3. The Inspector of Police,
Peraiyur Police Station,
Ramanathapuram District.
4. The Inspector of Police,
Salai Gramam Police Station,
Sivagangai District.
5. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

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