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Crl.O.P.No.2550 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2550 of 2025

S.Srinivasan

... Petitioner

Vs

1. State represented by
The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur District.

2. S.Thirumalai

... Respondents

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to call for the records in Crime No.661/2022 on the file of the respondent
and quash the same.

For Petitioner : Mr.R.Parthipan

For Respondents : Ms.J.R.Archana,
Government Advocate (Crl. Side) for R1



CrI.O.P.No.2550 of 2025

WEB COPY

ORDER

This petition has been filed to quash the First Information Report in Crime No.661 of 2022 on the file of the first respondent Police.

2. The case of the prosecution is that on the complaint lodged by the second respondent, the first respondent registered the First Information Report in Crime No. 661 of 2022 for the offenses under Sections 279 and 337 of IPC, alleging that on 18.08.2022, when his mother was returning home from her sand company situated at Sholavaram and while standing under Ambedkar Nagar Fly Over, the petitioner drove a two-wheeler bearing Registration No. TN 05 CA 9407 in a high speed and rash and negligent manner and dashed against her. Therefore, she fell down and fractured her right leg and left hand. Immediately, she was taken to the hospital by an ambulance. Hence, the complaint.

3. The learned counsel for the petitioner would submit that both the offenses are punishable with imprisonment not exceeding six months. Therefore, the first respondent ought to have filed a final report within a



Crl.O.P.No.2550 of 2025

WEB COPY

period of one year from the date of registration of the First Information Report. Even after one year, no Court can take cognizance if the first respondent files any final report. Hence, he prayed to quash the First Information Report in Crime No. 661 of 2022.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that so far, no charge sheet has been laid in Crime No. 661 of 2022.

5. 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;

(b) one year, if the offence is punishable with



WEB COPY



CrI.O.P.No.2550 of 2025

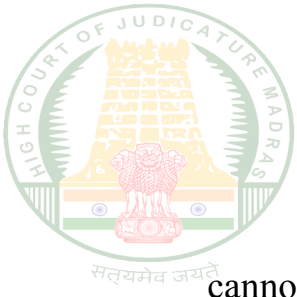
imprisonment for a term not exceeding one year;

(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 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.”

6. Admittedly, the offenses under Sections 279 and 337 of IPC are punishable with imprisonment not exceeding six months. Therefore, the First Information Report was registered on 19.08.2022, and even till today, the first respondent did not file any final report.

7. In view of above, it is barred by limitation, and no Court can take cognizance beyond the period of limitation as contemplated under Section 468 of Cr.P.C. Therefore, merely keeping the First Information Report in Crime No. 661 of 2022 pending would serve no purpose, and in order to meet the ends of justice, the impugned First Information Report



Crl.O.P.No.2550 of 2025

WEB COPY

cannot be sustained and is liable to be quashed. Accordingly, the First Information Report in Crime No. 661 of 2022 on the file of the first respondent is hereby quashed.

8. In the result, this Criminal Original Petition is allowed.

14.03.2025

Index:Yes/No
Neutral Citation/Yes/No
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To

1. The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur District.
2. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.2550 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.2550 of 2025

14.03.2025