



Crl.O.P.No.2943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2943 of 2025
and Crl.M.P.No.1979 of 2025

1. Anbu
2. Mani

... Petitioners

Vs

1. State represented by
The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal District.
(Crime No.317 of 2017)

2. Ponnusamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records of the case pending investigation in Crime No.317 of 2017 on the file of the respondent Police and quash the same as against the petitioners.

For Petitioners : Mr.T.Dhasarathan
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the FIR in Crime No.317 of 2017, on the file of the respondent Police.



CrI.O.P.No.2943 of 2025

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.side) for the first respondent and perused the materials placed on record.

3. On the complaint lodged by the second respondent, the first respondent registered FIR in Crime No.317 of 2017 for the offences punishable under Sections 294(b), 427 and 506(1) of IPC, on 18.05.2017, stating that the house situated at Plot No.36-B, Karuppa Goundampalayam Village ad-measuring 2400 sq.ft is in the name of the wife of the second respondent and the same was demolished on 01.05.2017 with the help of 20 persons due to previous enmity with the petitioner. When the second respondent came to know this incident, on the next day, 02.05.2017 the defacto complainant questioned the same with the petitioner. However, the second respondent was threatened by the petitioner.

4. The FIR was registered in the year 2017 for the offences under Sections 294(b), 427 and 506(1) of IPC. The period of limitation for filing charge sheet for the said offences had already expired and as such, there is a bar from taking cognizance as contemplated under Section 468 of Cr.P.C



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5. It is relevant to extract the list of offences and its punishments as follows:-

OFFENCE	PUNISHMENT
<i>Section 294(b) of IPC</i>	<i>Punishment - prohibits the singing, reciting, or uttering of obscene words, songs, or ballads in or near a public place. The punishment for this offense is up to three months in prison, a fine, or both.</i>
<i>Section 427 of IPC</i>	<i>Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.</i>
<i>Section 506(1) of IPC</i>	<i>Criminal intimidation-It states that anyone who commits criminal intimidation can be punished with up to two years in prison, a fine or both.</i>

6. Therefore, maximum punishment prescribed for the above offences are only two years. Therefore, the limitation period for filing final report is only three years from the date of commission of alleged offences. The occurrence had taken place on 01.05.2017 and the FIR came to be registered on 18.05.2017. Therefore, even till today, no charge sheet has been laid and it is pending.

7. It is relevant to extract Section 468 of Cr.P.C. 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.



Crl.O.P.No.2943 of 2025

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(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. ”

8. In view of the above, the impugned FIR cannot be sustained and is liable to be quashed. Accordingly, the FIR in Crime No.317 of 2017 on the file of the respondent Police, is hereby quashed.

9. In the result, this Criminal Original Petition stands is allowed. Consequently, connected Miscellaneous petition is closed.

05.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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Crl.O.P.No.2943 of 2025

To

1. The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.2943 of 2025

G.K.ILANTHIRAIYAN. J.

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Crl.O.P.No.2943 of 2025

05.02.2025