



CrI.O.P.No. 3596 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

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

CrI.O.P.No.3596 of 2025

A.Pavadaisamy

... Petitioner

Vs.

1.Union Territory of Puducherry Rep. by
The Inspector of Police,
CBCID Police Station,
Puducherry.
Crime No.6 of 2018.

2.Seenuvasamurthy

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to impugned FIR registered in Crime No.03 of 2019 dated 19.01.2019 on the file of the first respondent police and quash the same.



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For Petitioner : Mr.Prakash Adiapadam

For R1 : Mr.M.V.Ramachandra Moorthy,
Additional Public Prosecutor,
Pondicherry.

For R2 : Mr.K.Sasindran

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 03 of 2019, registered by the first respondent for the offences punishable under Sections 501(b), 506(i), 509 of the IPC and Section 67 of the Information Technology (IT) Act, 2000, r/w Section 34 of IPC.

2. The case of the prosecution is that the second respondent is the president of the Congress Party in the South District. While holding this position, there was a civil dispute between the second respondent and the petitioner concerning a land issue pending before the Civil Court at Pondicherry. The petitioner is alleged to have made several false allegations against the second respondent and his family members in the

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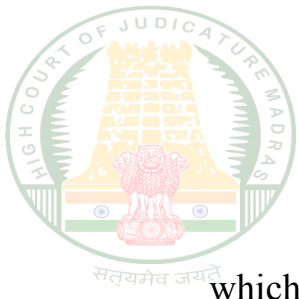


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context of these civil cases, thereby defaming them. While being so, on 28.11.2018, at around 8:00 p.m., two audio recordings (alleged private telephone conversations) between one Pavadaisamy and Shyam were made, in which it was stated that the second respondent had cheated several persons in Pondicherry and had murdered one Prakash by pushing him into a well. That apart, the petitioner is alleged to have made derogatory statements about the second respondent's wife and sister, which led to the filing of the complaint.

3. The learned counsel for the petitioner would submit that the same voice messages had already led to the registration of an FIR in Crime No. 6 of 2018 under Section 67 of the IT Act, 2000. After completion of the investigation, a final report was filed, and the same was taken cognizance of by the Trial Court in C.C. No. 26 of 2021 on the file of the learned Chief Judicial Magistrate, Pondicherry, for the offences under Section 501(b), 506, 509 of IPC and Section 67 of the IT Act, 2000, r/w Section 34 of IPC. While the case was pending, the petitioner filed an application for discharge in Crl. M.P. No. 383 of 2023,



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which was dismissed by the learned Chief Judicial Magistrate, Pondicherry, by an order dated 24.10.2024. Aggrieved by the same, the petitioner filed a revision before this Court in Crl. R.C. No. 17329 of 2024, and an interim stay was granted on 16.12.2024, staying the entire proceedings.

4. The learned counsel for the petitioner would contend that for the same set of allegations, a second FIR (Crime No. 03 of 2019) has been registered, which amounts to double jeopardy. That apart, the offences are punishable with a maximum of three years' imprisonment; therefore, the first respondent ought to have filed the final report within a period of three years from the date of registration of the FIR so that the Trial Court could take cognizance. The crime is of the year 2019, yet the first respondent has failed to file any final report. Therefore, the entire proceeding is barred by limitation, as the Trial Court cannot take cognizance of the final report filed by the first respondent after a period of three years from the date of registration of the FIR. This constitutes nothing but malicious prosecution, as a false case has been foisted upon



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the petitioner to wreak vengeance. The petitioner further argues that the FIR in Crime No. 03 of 2019 should be quashed, as it relates to the same voice messages already addressed in Crime No. 06 of 2018.

5. The learned counsel for the second respondent, however, submits that though the offences in both FIRs are similar, the two complaints are distinct, as they relate to separate incidents involving the same voice messages. Therefore, the second FIR is very much maintainable.

6. The learned Additional Public Prosecutor (Pondicherry) submits that both voice messages in Crime Nos. 6 of 2018 and 3 of 2019 pertain to the same set of facts. The recordings have been sent for forensic analysis and awaiting for expert opinion, which is still pending.

7. Heard both sides and perused the materials placed before this Court.



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8. As rightly pointed out by the learned counsel for the petitioner, all the offences involved are punishable with a maximum of three years' imprisonment. It is pertinent to extract the provision under Section 468 of the Code of Criminal Procedure (Cr.P.C.), which prescribes a limitation period for taking cognizance of certain offences.

“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 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



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the case may be, the most severe punishment.”

9. In light of this, the first respondent ought to have filed the final report within a period of three years from the registration of the FIR in Crime No. 03 of 2019, so that the Trial Court could take cognizance. However, it is undisputed that the final report has not been filed within the statutory period. Therefore, the entire proceeding is barred by limitation, as the maximum period for investigation has elapsed. That apart, it is evident that the voice messages, which form the basis of the current FIR, were already the subject of investigation in Crime No. 6 of 2018, for which a final report was filed and cognizance was taken by the Trial Court. The same set of allegations cannot be the subject of two separate FIRs.

10. In view of the above, this Court is of the opinion that the registration of the FIR in Crime No. 03 of 2019, based on the same set of facts as in Crime No. 6 of 2018, amounts to an abuse of the process of law and falls within the ambit of double jeopardy. Hence, the FIR in Crime No. 03 of 2019 cannot be sustained and is liable to be quashed.



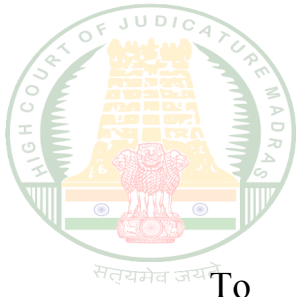
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11. Accordingly, the FIR in Crime No. 03 of 2019 is hereby quashed as against the petitioner and the Criminal Original Petition stands allowed.

27.03.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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To
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1. The Inspector of Police,
CBCID Police Station,
Puducherry.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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