



Crl.O.P.No.3972 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

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

Crl.O.P.No.3972 of 2025

and

Crl.M.P.No.2559 of 2025

Arun Kumar

.... Petitioner

Vs

1.State Rep By
The Inspector of Police
Vandavasi North Police Station,
Tiruvannamalai,
Crime No.56 Of 2018

2.V.Easwari

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the FIR in crime No.56 of 2018 pending before the Inspector of police, Vandavasi North police station, Tiruvannamalai and quash the same.

For Petitioner : Mr.R.Venkatesh
For R1 : Mr. K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR registered in Crime No.56 of 2018 on the file of the first respondent



Crl.O.P.No.3972 of 2025

for the offences under Sections 147, 294(b), 323, 506(i) of IPC and
Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act,
2002.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. It is seen from the records that the FIR has been pending since the year 2018. The only ground raised by the petitioner is that the proceedings are barred by limitation under Section 468 of Cr.P.C. Section 468 of Cr.P.C provides the period of limitation for taking cognizance of certain offences. As per the said provision, where the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years, the limitation period is three years. In the present case, the Trial Court ought to have taken cognizance after the completion of investigation and filing of the final report by the first respondent within a period of three years from the date of registration of the FIR.



4. It is relevant to extract the provision under Section 468

of CrI.P.C., which reads as follows :

Section 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 the case may be, the most severe punishment.

5. In the present case, the offence registered against the petitioner is punishable with imprisonment not exceeding three years.



Crl.O.P.No.3972 of 2025

WEB COPY

Therefore, the Trial Court ought to have taken cognizance after the completion of investigation and filing of the final report by the first respondent within a period of three years from the date of registration of the FIR. However, more than six years have lapsed and even then the first respondent has neither completed the investigation nor filed any final report. On this sole ground alone, the FIR cannot be sustained and is liable to be quashed.

6. In view of the above, the FIR registered in Crime No.56 of 2018 on the file of the first respondent, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

14.02.2025

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

To

1.The Inspector of Police
Vandavasi North Police Station,
Tiruvannamalai.



2. The Public Prosecutor,
High Court, Madras.

WEB COPY



Crl.O.P.No.3972 of 2025



WEB COPY



Crl.O.P.No.3972 of 2025

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.3972 of 2025

14.02.2025