



Crl.O.P.No. 5573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

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

Crl.O.P.No. 5573 of 2025
and Crl.M.P.No.3620 of 2025

Askar Ali

.... Petitioner

Vs

1.The State represented by
The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
Crime No.84 of 2020.

2. Mujipur Rahman

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records culminating Crime No.84 of 2020 pending on the file of Nellikuppam Police Station, Cuddalore District and quash the same.

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

ORDER

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.84 of 2020 registered by the first respondent police



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for the offences under Sections 153, 504, 505(i)(b), 505(1)(c) of IPC and

Section 67 of IT Act, as against the petitioner.

2. The case of the prosecution is that the petitioner made derogatory and false statements against their District President, viz., V.M.Sheik Dawood, in the Facebook. In order to attract the offence under Section 153 of IPC, there must be an intention to promote feelings of enmity or hatred between different classes of people. The intention has to be judged primarily by the language of the piece of writing and the circumstances in which it was written and published.

3. Even according to the case of the prosecution, the petitioner made derogatory and false statements as against the District President that too in the Facebook. Therefore, the offence under Section 153 of IPC do not apply to prosecute further. Insofar as the other offences are concerned, he is punishable with a term not exceeding three years. Therefore, as per Section 468 of Cr.P.C., there is a bar to taking cognizance after lapse of three years. It is relevant to extract the provision under Section 468 of Cr.P.C., which reads as follows :



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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 relating 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.

4. The other offences are punishable by a term not exceeding three years and therefore, the period of limitation for filing final report is three years from the date of registration of the FIR.



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Admittedly, an FIR was registered on 27.02.2020 and the investigation has not been completed and it is pending.

5. In view of the above, the FIR in Crime No.84 of 2020 on the file of the first respondent cannot be sustained and is liable to be quashed, since keeping the FIR pending would serve no purpose and would amount to an abuse of the process of law. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

27.02.2025

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

1. The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

2. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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