



Crl.O.P.No.5749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

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

Crl.O.P.No.5749 of 2025
and Crl.M.P.No.3726 of 2025

Askar Ali

... Petitioner

Vs

1. The State Represented By,
The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
Crime No.85/2020.

2. S.Santhakumar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records culminating Crime No.85 of 2020 pending on the file of Nellikuppam Police Station, Cuddalore District, quash the same.

For Petitioner : Mr.M.H.Dawood
For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.85 of 2020, on the file of the first respondent.



Crl.O.P.No.5749 of 2025

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

3. The case of the prosecution is that the accused had removed the banner and made statement against his political party stating that they had supported the Central Government in CAA, NRC laws and posted the same in the Facebook. Hence, a complaint was registered in Crime No.85 of 2020 for the offences punishable under Sections 153, 427, 504, 505(i)(b), 505(1)(c) of IPC and Section 67 of IT Act.

4. The offences registered as against the petitioner are punishable not exceeding three years of imprisonment, except the provision under Section 153 of IPC. The provisions under Section 153 A of IPC is the 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. One cannot rely on strongly worded and isolated passages for proving the charge nor indeed can one take a sentence here and a sentence there and connect them by a meticulous process of inferential reasoning. Therefore, the allegations set out in the FIR is



not making out any case for the offence punishable under Section 153 of IPC.

WEB COPY

5. Insofar as other offences are concerned, the Trial Court cannot take cognizance after a period of five years from the date of registration of FIR, since it is barred by limitation.

6. It is relevant to rely upon the provisions under 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.

(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.”

7. Accordingly, the first respondent ought to have filed a final report, within a period of three years from the date of registration of FIR in Crime No.



CrI.O.P.No.5749 of 2025

85 of 2020.

WEB COPY

8. Admittedly, the first respondent did not file a final report in Crime No.85 of 2020. Therefore, mere pendency of the present FIR would not serve any purpose, since no Trial Court can take cognizance after a period of three years for the offences punishable under Sections 427, 504, 505(i)(b), 505(1)(c) of IPC and Section 67 of IT Act.

9. In view of the above, the impugned FIR cannot be sustained and is liable to be quashed. Accordingly, the FIR in Crime No.85 of 2020 pending on the file of the first respondent is hereby quashed.

10. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

28.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.5749 of 2025

To

1. The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
2. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN. J,

mn



WEB COPY



Crl.O.P.No.5749 of 2025

Crl.O.P.No.5749 of 2025

28.02.2025