

Crl. O.P. No. 10250 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 10250 of 2025

and

Crl. M.P. No. 6828 of 2025

Nilavarasan

... Petitioner

Vs.

1.The State rep., by
The Inspector of Police,
CCB-II Police Station,
Chennai District.
(Crime No. 202 of 2018)

2.S. Anbarasan

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in Crime No. 202 of 2018 and quash the same pending on the file of the first respondent police and thus render justice.

For Petitioner : Mr. M. Kalaiyaran

For Respondents : Mr. R. Vinothraja, for R1
Government Advocate



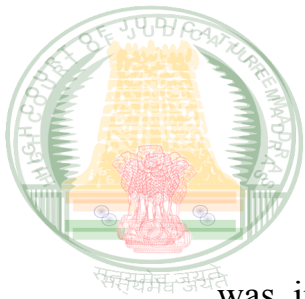
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ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No. 202 of 2018 on the file of the first respondent, registered for the offences punishable under Sections 66 r/w 43(j), 66(D) of IT Act, 2008.

2. The case of the prosecution is that, the second respondent lodged a complaint on 16.11.2018 and stated that he is practicing as an Advocate and on 12.06.2018, the second respondent filed a complaint against A.Boulia and her relatives. Moreover, on 12.06.2010 the second respondent mobile phones (Samsung AB & Redmi Notes) are in possession of the first accused i.e., Mobile No. 9840696294. As if he was sending from this number, Boulia has sent a false report against the second respondent as if she is threatening Boulia from 9840696294 and 8754116659. Thereafter, the case was registered against the second respondent and he was arrested by the Papanadu Police at Alandur, Chennai and he was sent to judicial custody. The first accused, Boulia



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was involved in cybercrime crimes by giving false complaint against second respondent. Therefore, the second respondent given a complaint and the first respondent police registered FIR against the petitioner in Crime No. 202 of 2018 for the offences under Sections 66 r/w 43(j), 66 D of IT Act, 2008.

3. Learned counsel for the petitioner would submit that the offences punishable under Sections 66 r/w 43(j), 66(D) of IT Act, 2008 are punishable maximum with three years. Therefore, after a period of three years, the trial Court cannot take cognizance though the respondent filed a final report.

4. The FIR is pending from the year 2018, even then the first respondent did not complete the investigation and kept pending in cold storage. Therefore, even now, the first respondent filed final report, the same cannot be taken cognizance by the trial Court since it is barred by limitation under Section 468 of Cr.P.C.



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5. In view of the above, FIR cannot be sustained and is liable to be quashed.

6. Accordingly, the FIR in Crime No.202 of 2018 on the file of the first respondent, is hereby quashed and this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

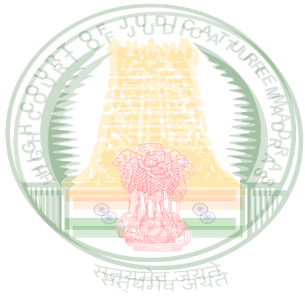
07.04.2025

Index : Yes/No
Neutral citation : Yes/No
AT

To

1.The Inspector of Police,
CCB-II Police Station,
Chennai District.

2.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

AT

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