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Crl.O.P.No.3398 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

CORAM:

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

Crl.O.P.No.3398 of 2025
and Crl.M.P.No.2234 of 2025

Dhanasekaran

... Petitioner

Vs

The State Represented by its
Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

... Respondent

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 relating to FIR in Crime No.556 of 2016 on the file of respondent police and quash the same.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.556 of 2016 on the file of respondent police.

2. Heard both sides and perused the materials available on record.



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3. The respondent registered FIR as against the petitioner in Crime No.556 of 2016 for the offences punishable under Sections 143 and 285 of IPC alleging that the petitioner and others assembled unlawfully and questioned the suspension of member of legislative assembly from the assembly. They also threatened to commit suicide by pouring petrol and caused hindrance to the public. The FIR was registered in the year 2016. However, so far no charge sheet has been laid.

4. The punishment for Sections 143 and 285 of IPC are as follows:-

“ 143. Punishment — Whoever is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

285. Negligent conduct with respect to fire or combustible matter — Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”



5. It is relevant to extract 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.”

Therefore, the limitation period prescribed under Section 468 of Cr.P.C is one year to take cognizance, after the filing of final report for the offence punishable with imprisonment for a term not exceeding one year. As stated supra, both the offences are punishable below the period of one year and as such, the trial Court ought to have taken cognizance within a period of one year from the date of registration of FIR.

6. Though the learned Government Advocate (Crl.side) submitted



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that they have filed a final report on 02.08.2024 before the Judicial Magistrate

I, Udumalpet, Tiruppur District, it is clearly barred by limitation and as such, the FIR and its proceedings cannot be sustained and are liable to be quashed.

7. Accordingly, the FIR in Crime No.556 of 2016 on the file of respondent police and its further proceedings are hereby quashed. This Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

10.02.2025

Internet:Yes

Index:Yes/No

Speaking/Non speaking order
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To

1. The Judicial Magistrate I, Udumalpet,
Tiruppur District.
2. The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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