



CrI.O.P.No.19919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.19919 of 2025

Ramu.R

... Petitioner

Vs.

The State of Tamil Nadu, Rep.by,
The Sub Inspector of Police,
Uthukottai Police Station,
Uthukottai, Tiruvallur,
Tamil Nadu,
(Crime No. 148 of 2017)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in Crime No.148 of 2017 on the file of the Sub Inspector of Police, Uthukottai, Thiruvallur District and quash the same in the interest of justice.

For Petitioner : Mr.N.Thamizhanban

For Respondent : Dr.C.E.Pratap
Government Advocate (CrI.Side)



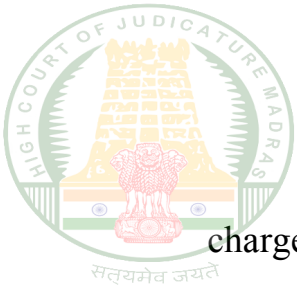
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ORDER

WEB COPY The Criminal Original Petition is filed seeking a direction to quash the FIR in Crime No.148 of 2017 on the file of the first respondent-Police.

2. The case of the prosecution is that on 26.03.20217 at about 6.30 a.m., while the respondent-Police was on patrolling near Tholavedu Village, the petitioner was intercepted and found to be transporting river sand in a four-wheeler without prior permission from the Government. Subsequently, the petitioner was arrested and the vehicle was also seized, thereafter, the respondent-Police registered a case in Crime No.148 of 2017 on 26.03.2017 against the petitioner for the offences punishable under Section 36(A) of the Mines and Minerals (Development and Regulation) Act.

3. It is the contention of the learned counsel for the petitioner that FIR was registered in Crime No.148 of 2017 for the offences punishable under Section 36(A) of the Mines and Minerals (Development and Regulation) Act against the petitioner on 26.03.2017, whereas, the



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charge-sheet was filed only on 13.07.2025, which is hopelessly barred by limitation under Section 468 Cr.P.C./ Section 514 of BNSS and hence, the FIR filed against the petitioner may be quashed.

4. Per contra, learned Government Advocate (Crl.Side) appearing for the respondent-Police, on instructions, submitted that the investigation in Crime No.148 of 2017 is over and charge sheet has also been filed through e-filing on 13.07.2025, *vide* e-filing No.LTN20220001619 C 202500507 before the Judicial Magistrate, Uthukottai.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is settled law that for the purpose of computing the period of limitation under Section 468 Cr.P.C., the relevant date must be considered as the date of filing of complaint or initiating criminal proceedings and not the date of taking cognizance of offence by the Magistrate or issuance of process by a Court.



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WEB COPY 7. At this juncture, it would be useful to refer the judgment of the Hon'ble Supreme Court, in the case of ***Japani Sahoo Vs. Chandra Sekhar Mohanty (2007 (7) SCC, 394)***, wherein, it has been observed as follows :

" 52. In view of the above, we hold that for the purpose of computing the period of limitation, the relevant date must be considered as the date of filing of complaint or initiating criminal proceedings and not the date of taking cognizance by a Magistrate or issuance of process by a Court. We, therefore, overrule all decisions in which it has been held that the crucial date for computing the period of limitation is taking of cognizance by the Magistrate/court and not of filing of complaint of initiation of criminal proceedings. "

8. In the instant case, the occurrence had taken place on 26.03.2017 and the complaint, thereof, was registered on the same day itself i.e., on 26.03.2017. After investigation, the respondent-Police filed the charge sheet on 13.07.2025 before the concerned jurisdictional Court. Since the complaint in the present case was registered within the limitation period prescribed under Section 468 Cr.P.C., grounds taken by



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the petitioner for quashing the FIR on the ground of limitation is mixed question of facts and law. However, it is open to the petitioner to take all his defences before the trial Court during trial.

9. Accordingly, the Criminal Original Petition is dismissed.

16.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Sub Inspector of Police,
Uthukottai Police Station,
Uthukottai, Tiruvallur,
Tamil Nadu.
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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