



Crl.O.P.No.3594 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3594 of 2025

and

Crl.M.P.No. 2355 of 2025

1. L.Velusamy
2. D.Prabakaran

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Petitioners

Vs

1.The State Rep.By
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore.
Cr.No.346/2017.

2.Murugesan
Village Administrative Officer,
Kaniyur Village, Coimbatore.

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Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to call for the records in Crime No.346 of 2017 pending on the file of the respondent police and quash the same as against the petitioners.

For Petitioners : Mr.R.Prabakar

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



Crl.O.P.No.3594 of 2025

ORDER

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2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. The case of the prosecution is that, on 15.08.2017, at about 10.45 a.m, the petitioners allegedly indulged in a protest by raising slogans demanding the establishment of a bus stop at Unjachapalayam Junction, without obtaining prior permission from the concerned authorities. Hence, the case was registered.

4. The learned Counsel appearing for the petitioners would submit that based on the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.346 of 2017 for the offences under Sections 143 and 188 of IPC, against the petitioners. Though the FIR was registered in the year 2017, the first respondent has not completed the



investigation or filed a final report till date.

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5. In this regard, it is relevant to extract the provision under Section 188, which reads as follows:

***“Section 188. Disobedience to order duly promulgated by public servant — Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, 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.*”**

6. Therefore, the first respondent ought to have filed the final report



within a period of six months from the date of registration of the FIR. In this

context, it is also relevant to extract the provision under Section 468 of Cr.P.C.

which reads as follows :-

Section 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 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. Mere pendency of the FIR without any progress in the



CrI.O.P.No.3594 of 2025

investigation would not serve any purpose and would amount to abuse of the

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process of law. In order to secure the ends of justice, the FIR registered in Crime No.346 of 2017 on the file of the first respondent cannot be sustained and is liable to be quashed. Accordingly, the FIR is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

12.02.2025

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Index:Yes/No

Internet:Yes/No

To

1. The Inspector Of Police,
Karumathampatty Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

G.K.ILANTHIRAIYAN, J.



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CrI.O.P.No.3594 of 2025

Lpp

CRL.O.P.No.3594 of 2025

12.02.2025