



WEB COPY



Crl.O.P.No.22453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM:

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

Crl.O.P.No.22453 of 2024

M.Muhammed Ismayil

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Central Crime Branch,
Coventional Crime,
Veppery,
Chennai – 600 007.

... Respondent

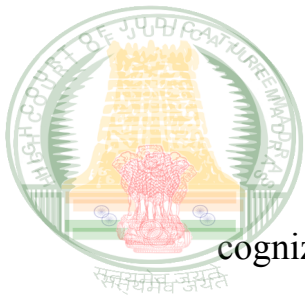
PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.9162 of 2022 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai and quash the same, in respect of the petitioner.

For Petitioner : Mr.P.Pugalenthil

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.9162 of 2022 pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, thereby taken



Crl.O.P.No.22453 of 2024

cognizance for the offence punishable under Section 380(2) r/w 120(b) of

WEB COPY

2. The case of the prosecution is that the first accused had stole the idol from a temple and he tried to sell it fraudulently as ancient idol through the petitioner and other accused persons. On receipt of the said complaint, the respondent registered the FIR in Crime No.425 of 2014 and after completion of investigation, final report was filed and the same has been taken cognizance in C.C.No.9162 of 2022.

3. The learned counsel appearing for the petitioner submitted that the FIR has been registered on 14.10.2014 and after completion of investigation they have filed final report only on 24.08.2022 viz., after a period of eight years from the date of the registration of FIR. The petitioner is arrayed as A3 and the first accused died. Further the second accused filed discharge petition before the trial Court on the ground of limitation in Crl.M.P.No.41018 of 2023 and the same was dismissed by the trial Court on 08.12.2023. Aggrieved by the same, the second accused preferred a revision in Crl.R.C.No.1 of 2024 and the same was allowed by the revisional Court by an order 12.07.2024.



Crl.O.P.No.22453 of 2024

4. On instructions, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the trial has been commenced and it is pending.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. On perusal of the records, it is revealed that the petitioner is now being charged for the offence punishable under Section 380(2) r/w 120(B) of IPC. The offence under Section 380 of IPC has a maximum punishment of three years. Therefore, the respondent ought to have filed final report and the trial Court should have taken cognizance within a period of three years from the date of registration of the FIR, according to Section 468(2) of Cr.P.C. Beyond the period of limitation, the trial Court cannot take cognizance, since it is barred by limitation.

7. As far as Section 120(B) of IPC is concerned, it has maximum punishment of six months or fine or both. As per Section 468 of Cr.P.C., within a period of one year from the date of registration of the FIR, the trial Court should have taken cognizance after the filing of the



Crl.O.P.No.22453 of 2024

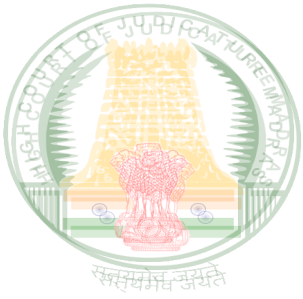
final report. Admittedly, the respondent filed final report after the limitation period and therefore, the trial Court ought not to have taken cognizance on the final report filed in Crime No.425 of 2014, after the period of eight years. Therefore, the entire proceedings cannot be sustained and liable to be quashed.

8. In view of the above discussions, the proceedings in C.C.No.9162 of 2022 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, is hereby quashed and the Criminal Original Petition stands allowed.

25.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



Crl.O.P.No.22453 of 2024

WEB COPY To

1. The Chief Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Coventional Crime,
Veppery,
Chennai – 600 007.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.O.P.No.22453 of 2024

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.22453 of 2024

25.04.2025