



CrI.RC .No.1594 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM:

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

CrI.R.C.No.1594 of 2023

and

CrI.M.P.No. 14715 of 2023

Vinitha

..... Petitioner

Vs

1.The State rep by
Sub Inspector of Police,
G3, Kilpauk Police
Chennai.

2. R.Sareetha
(R2 – Suo Moto impleaded as per
order dated 15.09.2023 in
CrI.R.C.No.1594 of 2023 and
CrI.M.P.No.14715 of 2023)

..... Respondents

Prayer: Criminal Revision is filed under Section 397 r/w Section 401 of Criminal Procedure Code, praying to call for the records in C.C.No.228 of 2021 on the file of the II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.Baaskaran

For R1 : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER



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This Criminal Revision Case has been filed as against the

Judgment dated 02.08.2023 passed in Crl.M.P.No.23214 of 2023 in C.C.No.228 of 2021 on the file of the II Metropolitan Magistrate, Egmore, Chennai, thereby dismissing the petition to discharge the petitioner.

2. The case of the prosecution is that the complainant lodged a complaint on 10.02.2014 alleging that there was a property dispute between the complainant and her family members. Due to which, her husband's brother's wife attacked her by spraying a substance on her face and thereby caused injury to her head and also abused her in unparliamentary words.

3. Based on the complaint, the respondent registered an FIR in Crime No.160 of 2014 for the offences punishable under Sections 324 and 341 of IPC. After completion of the investigation, the respondent filed final report, thereby closed the FIR as “Mistake of Fact”. However, without insisting the same, the Trial Court had taken cognizance for the offences punishable under Sections 324 and 341 of IPC in the year 2021 in C.C.No.228 of 2021. Thereafter, the Trial Court issued summons to the petitioner. On receipt of the summons, the petitioner filed a petition seeking discharge of charges on the ground of inordinate delay in taking cognizance. The Trial Court ought to have



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taken cognizance for the offences punishable under Section 324 and 341 of IPC

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within a period of three years from the date of registration of the FIR. However, the Trial Court had taken cognizance of the FIR registered in Crime No.160 of 2014 dated 18.02.2016, after a period of eight years i.e., in the year 2021. Despite this delay, the Trial Court dismissed the discharge petition on the ground that under Section 473 of Cr.P.C, delay in taking cognizance may be condoned, and therefore, proceeded with the case based on the final report filed by the respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent. Perused the materials available on record.

5. A perusal of the complaint reveals that the alleged occurrence took place on 06.02.2014. However, the complaint was lodged only on 10.02.2014. Thereafter, on 18.02.2014, the FIR was registered in Crime No.160 of 2014 on the file of the respondent. In the year 2015, the respondent filed a final report before the Trial Court, thereby closed the FIR as “Mistake of Fact”. However, the Trial Court neither accepted the closure report nor took cognizance immediately. Only in the year 2021, the Trial Court took

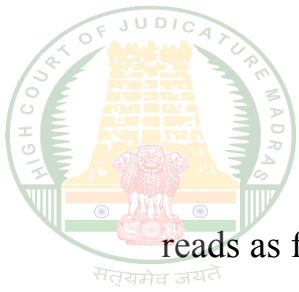


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cognizance on the closure report filed by the respondent for the offences punishable under Sections 324 and 341 of IPC.

6. A perusal of the records reveals that after filing of the closure report filed by the respondent, the Trial Court did not issue any notice to the complainant and there were no records to show that any protest petition was filed by the complainant. While being so, the Trial Court ought not to have taken cognizance after a lapse of six years from the date of filing of the closure report in Crime No.160 of 2014. That apart, there was a delay in lodging the complaint and it is also evident that civil disputes are pending between the complainant and the petitioner herein with regards to their family property.

7. A perusal of the closure report reveals that no such occurrence had taken place on 06.02.2014 as alleged. The defacto complainant also failed to produce any material to show that she sustained injury on the attack by the petitioner herein. Therefore, the respondent rightly closed the FIR as “Mistake of Fact”. Insofar as the cognizance taken by the Trial Court is concerned, it is barred by limitation. The FIR was registered on 18.02.2014 and the Trial Court took cognizance only in the year 2021, after a lapse of seven years. In this regard, it is relevant to extract the provision under Section 468 of Cr.P.C, which



reads as follows :

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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.

8. Thus, it is clear that the Trial Court ought to have taken cognizance of the offences under Sections 324 and 341 of IPC within a period of three years from the date of registration of the FIR. In the present case, cognizance was taken after a lapse of more than seven years, which is clearly barred by limitation and prima facie case has been made out against the



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petitioner. Therefore, the order passed by the Trial Court cannot be sustained

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9. In view of the above, the impugned order dated 02.08.2023 passed in Crl.M.P.No.23214 of 2023 in C.C.No.228 of 2021 by the learned II Metropolitan Magistrate, Egmore, Chennai, is hereby set aside. Accordingly, this Criminal Revision Case stands allowed. Consequently, connected miscellaneous petition is closed.

25.06.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.

2. The Sub Inspector of Police,
G3, Kilpauk Police
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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