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Crl.OP.No.3260 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2025

CORAM:

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

Crl.O.P.No.3260 of 2025

Dhuvan Mydheen

... Petitioner

Vs.

1. The Inspector of Police,
T-14, Pallikaranai Traffic Investigation Wing,
Chennai-600 100.

2. Kannan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of B.N.S.S, to call for the records pertaining to the FIR in Cr.No.687 of 2023 on the file of the respondent police and quash the same.

For Petitioner : Mr.K.Selvaganapathy

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1
: Mr.S.Abishiek for R2



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ORDER

This petition has been filed to quash the first information report registered in Crime No. 687 of 2023 on the file of the first respondent police.

2. On the complaint lodged by the second respondent, the first respondent has registered an FIR as against the petitioner in Cr.No.687 of 2023 for the offences punishable under Sections 279 and 337 of IPC, on the allegations that on 25.10.2023 at around 09.10 a.m., the petitioner had ridden a two wheeler viz., Hero Honda Splendor bearing Regn.No.TN-18-K-8869 in a rash and negligent manner and dashed against the two wheeler which belongs to the second respondent's daughter. Due to which, she had fell down from the two wheeler and sustained injuries. Immediately, she got admitted in the Global Hospital, Perumbakkam.

3. The learned counsel appearing for the petitioner submits that due to the said accident, the petitioner was also admitted in the hospital and had taken treatment. After few months only, the petitioner came to know that the FIR has been registered against him.



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Now, it is barred by limitation, since no cognizance was taken by any Court .

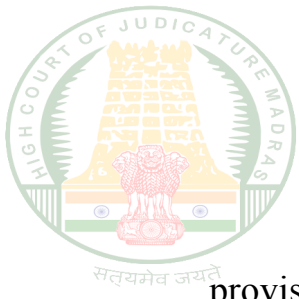
4. The learned counsel appearing for the second respondent submits that the petitioner had ridden a two wheeler in a rash and negligent manner and dashed against the two wheeler of the second respondent's daughter. Thereby, she had sustained fracture in her finger.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and confirms that no cognizance can be taken by any Court.

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

7. On perusal of materials available on record revealed that the first respondent has registered the FIR for the offences punishable under Sections 279 and 337 of IPC, 1860. Punishment of imprisonment for period of six months or with fine or both

8. Under such circumstances, it is relevant to extract the



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provisions of 468 of Cr.P.C here under:

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“ 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”.

According to the above said provision, it is clear that the time prescribed for taking cognizance for the offence which is punishable



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with imprisonment for a term not exceeding one year is one year. But in this case, almost three years have been lapsed from the date of registration of an FIR i.e., 26.10.2023. Therefore, no Court can take cognizance though the first respondent had filed a final report. The FIR is still pending without any progress.

9. In view of the above observations and the submissions made by either side, this Court is of the view that the case on hand is barred by limitation and the entire FIR is nothing but clear abuse of process of law and cannot be sustained. Therefore, the FIR registered in Cr.No.687 of 2023 on the file of the first respondent cannot be sustained as against the petitioner and it is liable to be quashed. Accordingly, it is hereby quashed.

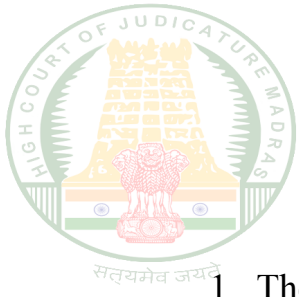
10. In the result, this Criminal Original petition is allowed.

11.03.2025

Vv

To

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1. The Inspector of Police,
T-14, Pallikaranai Traffic Investigation Wing,
Chennai-600 100.

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

G.K.ILANTHIRAIYAN, J.



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