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Crl.OP.No.27962 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.27962 of 2025

1.Muthaiyan

2.Subramani

3.Dhevagi

4.Rajalakshmi

... Petitioners

Vs.

1.State rep. by

The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
Cr. No.31 of 2020

2.Sagunthala

... Respondents

Prayer: Petition filed under Section 528 of BNSS, to quash the FIR against the petitioners in Cr.No.31 of 2020 on the file of the Vadaponparappi Police Station, Kallakurichi District.

For Petitioners : Mr.S.Arulselvan

For Respondent-1 : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

Challenging the FIR filed as against the petitioners herein in Cr.No.31 of 2020 by the first respondent herein / the Inspector of Police, Vadaponparappi Police Station, Kallakurichi District, the present Criminal Original Petition has been filed.

2. Heard the learned counsel for the petitioners as well as the learned Government Advocate (CrI. Side) appearing on behalf of the first respondent.

3. The brief facts of the case is as follows:

3.1. On 13.02.2020, there arose a dispute between the petitioners and the second respondent/de-facto complainant for the usage of common water tap. Due to which, the accused persons abused the de-facto complainant with unparliamentary words for which a case has been registered under Sections 294(b), 323 & 506(1) of IPC. Aggrieved by the same, the petitioners have come forward with the present petition.



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4. The learned counsel for the petitioners submitted that the case was registered in the year 2020 and till date, no final report has been filed and hence, prayed this Court to quash the FIR.

5. The learned Government Advocate on instructions submitted that investigation has not been completed and no final report was filed.

6. Perusal of the FIR reveals that the case is of civil in nature. Be that as it may, even for any such offence registered under this case i.e., under Sections 294(b), 323 & 506(1) of IPC, a final report ought to have been filed in a reasonable time. For reference, punishment for the aforesaid Sections read as follows:

a)Section 294 (b) - imprisonment for 3 months, or fine, or both;

b)Section 323 - imprisonment for one year, or fine of Rs.1000/-, or both; and

c)Section 506(1) - imprisonment for 2 years, or fine, or both

It is relevant for this Court to refer to Section 468 Cr.P.C., which provide the period of limitation for taking cognizance of an offence. As per the said



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provision, the period of limitation shall be three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years; and one year, if the offence is punishable with imprisonment for a term not exceeding one year. But however, in this case, the prosecution has not filed the final report in a reasonable time and now taking cognizance of the offence in the present case, is barred under law. Keeping the FIR pending as on date will not serve any purpose.

7. For the foregoing reasons, the FIR in Cr.No.31 of 2020 on the file of the first respondent as against the petitioners herein, is hereby quashed. Consequently, the Criminal Original Petition stands allowed.

14.10.2025

DP



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To

- 1.The Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
- 2.The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR.J.

DP

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