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CrI.OP.No.33578 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.OP.No.33578 of 2025

M.Seethapathy

...Petitioner

Vs.

1. State of Tamil Nadu Rep. by,
Sub-Inspector of Police,
T-4, Maduravoyal Police Station,
Tiruvallur District.
(Crime No.783 of 2021)

2. K.Rajkumar

...Respondents

Petition filed under Section 528 of BNSS, 2023, to call for the records pertinent to the First Information Report in Crime No.783 of 2021 for the offences u/s 294(b) and 323 IPC on the file of the 1st respondent police and to quash the same.

For Petitioner : Mr.D.Raja

For Respondents : Mr.S.Santhosh,
Government Advocate (CrI.Side) for R1



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ORDER

This criminal original petition is filed seeking to quash the FIR in Crime No.783 of 2021 on the file of the first respondent police for the offences under Sections 294(b) and 323 of IPC, 1860.

2. The submissions of the learned counsel appearing for the petitioner are as follows:-

2.1. The case of the prosecution is that the de facto complainant is engaged in the business of real estate. On 20.06.2021 at about 2:15 pm, he and others had written a political advertisement on the compound wall of the TNHB flats. When the said act was questioned by the de facto complainant, the petitioner abused and assaulted him physically. Hence, the present case has been registered against the petitioner.

2.2. The maximum punishment prescribed for the aforesaid offences are tabulated hereunder:

Sections	Punishment
294(b) IPC	Imprisonment may extend to three months, or with fine, or with both



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323 IPC

Imprisonment may extend to one year or with fine which may extend to Rs.1000/- or with both

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2.3. Hence, the investigation ought to have been completed and the final report filed within one year from the date of registration of the FIR, as mandated under Section 468 Cr.P.C. Therefore, there is a clear bar for taking cognizance if it is filed beyond one year.

2.4. Since the final report was not filed even after the expiry of one year, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the proceedings against the petitioner is an abuse of process of law and is liable to be quashed.

3. The learned Government Advocate (CrI.Side) appearing for the first respondent submits that the final report has not yet been filed so far.

4. Heard both sides and perused the materials available on record.

5. For the punishments set out in paragraph 2.2. supra, the final



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report ought to have been filed within one year from the date of registration of the FIR, as per Section 468(2)(b) of Cr.P.C. However, in the instant case, the final report has not been filed till date and therefore, cognizance cannot be taken.

6. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the First Information Report pending. Accordingly, the Criminal Original Petition stands allowed and the First Information Report pending against the accused pursuant to Crime No.783 of 2021, on the file of the first respondent Police, is hereby quashed in its entirety. Consequently, the connected miscellaneous petitions are closed.

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NCC : Yes/No



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To:

- 1.The Sub-Inspector of Police,
T-4, Maduravoyal Police Station,
Tiruvallur District.
- 2.The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

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