



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM:

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

CrI.O.P.No.31226 of 2025
and
CrI.M.P.Nos.21482 & 21483 of 2025

V.Ponnaiyan @ Ponnusamy,
S/o Velusamy

... Petitioner

Vs.

1. The State,
Rep. by Inspector of Police,
Chennimalai Police Station,
Erode District.
(Crime No.231 of 2020)

2. M.Kalaimani,
W/o Manickam

..Respondents

PRAYER : Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C, to call for the records culminating in S.T.C.No.1186 of 2024 pending on the file of the learned Judicial Magistrate, Perundurai, Erode District and to quash the same.

For Petitioner : Mr.S.Bharanidharan

For Respondents : Mr.R.Vinothraja
Government Advocate (Criminal Side)
for R1



ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.1186 of 2024 pending on the file of the learned Judicial Magistrate, Perundurai, Erode District.

2. Brief facts:

2.1 The de facto complainant who is the second respondent is a Head Constable in Chennimalai Police Station. On 12.04.2020, when COVID-19 public curfew was in force and when she was in police station, she received secret information regarding selling of meat at Pasuvapatti Village. Hence, she went with the police patrol to the place of occurrence. The police team asked the public to disperse from the place at once since curfew was in force.

2.2 While so, the next day, the petitioner posted a news item in a WhatsApp group called All Party spreading false rumour about the respondent police.

2.3 Hence, a case was registered against the petitioner, a member of Self-reliant Farmers Association, in Cr.No.231 of 2020 on 13.04.2020 for the offences under Sections 153, 182, 504 and 505(1)(b) IPC.



2.4 The first respondent police, after completing the investigation, filed a final report before the Judicial Magistrate, Perundurai against the petitioner for the offences under Sections 153, 182 and 504 IPC which was taken on file as S.T.C. No.1186 of 2024, seeking quashment of which, this criminal original petition has been filed, as aforesaid.

3. The learned counsel for the petitioner submitted that during the COVID-19 pandemic period, the petitioner, along with the members of Self-reliant Farmers Association, was sharing meat for their personal consumption in a peaceful manner; since the respondent police objected to the same, there was a wordy quarrel between the police and members of the association and later, the members dispersed quietly; while so, some unknown person posted allegations against the police in a social medium and irked by the same, the first respondent police has registered the case.

4. He further submitted that the Government of Tamil Nadu has directed the police to withdraw all cases registered in connection with violation of restrictions imposed during COVID-19 pandemic period; notwithstanding such a direction, in this case, the first respondent has filed a final report; that apart, the maximum sentence of imprisonment for the offences in question is upto three years; in such circumstances, the final



report ought to have been filed within a period of three years from the date of the occurrence as per Section 468(1)(2)(c), Cr.P.C. whereas, in this case, the final report was filed only on 24.12.2024 *i.e.*, after the period of limitation and hence, the learned Magistrate ought not to have taken cognizance of the offence; *ergo*, the impugned proceedings is liable to be quashed as it is an abuse of process of law.

5. *Per contra*, the learned Government Advocate (CrI. Side), submitted that the petitioner, in violation of the COVID-19 pandemic protocol, slaughtered a goat and was distributing meat to the members of his association; on information, the police went to the place of occurrence and when questioned, the accused abused and also intimidated the police, besides posting false information against the police in the social medium. He further submitted that the charge sheet, though made ready in the year 2020 itself, was filed before the Judicial Magistrate Court, Perundurai only on 24.12.2024.

6. Heard the learned counsel on either side and perused the materials available on record.



7. It is no doubt true that the Government had already issued directions to withdraw cases registered for violation of restrictions imposed during the COVID-19 pandemic period. Further, for the offences in question which were committed on 13.04.2020, the maximum sentence of imprisonment is only three years and when as per Section 468(2)(c), the final report should have been filed within three years, in the case on hand, the final report was not filed within the period of limitation. In such perspective of the matter, the Judicial Magistrate, Perundurai, ought not to have taken cognizance of the case.

8. In view of the foregoing discussion, the proceedings in S.T.C.No.1186 of 2024 on the file of the Judicial Magistrate, Perundurai, is quashed.

9. In the result, this criminal original petition stands allowed. Connected criminal miscellaneous petitions are closed.

17.11.2025

vsi/cad

Neutral Citation: Yes/No

