



Crl.O.P.No.33353 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM:

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

Crl.O.P.No.33353 of 2025
and Crl.M.P.Nos.23282 & 23283 of 2025

1. Karthikeyan
2. B.Muvendhan ... Petitioners

Vs.

1. The Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai – 600 016.
2. Muthu Sundaram ... 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 pertaining to the case pending in C.C.No.289 of 2024 on the file of the learned Judicial Magistrate No.I, Alandur and quash the same as against the petitioners.

For Petitioners : Mr.S.Tamilselvan
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor



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ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings against the petitioners in C.C.No.289 of 2024 on the file of the learned Judicial Magistrate No.I, Alandur.

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

2.1. The case in Crime No.60 of 2021 was registered based on the complaint given by the second respondent on 28.03.2021 against the petitioners, for the offences under Sections 171(E) and 506(i) of IPC, alleging that on 27.03.2021, the petitioners committed bribery during the election, a sum of Rs.15,000/- was recovered from their possession and that they had also threatened the informant.

2.2. The punishment prescribed for the offence under Section 171(E) IPC may extend to one year imprisonment or fine or both and for the offence under Section 506(i) IPC, the maximum punishment may extend to two years imprisonment. Hence, the final report ought to have been filed within a period of three years, as mandated under Section 468 Cr.P.C.



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Therefore, there is a bar for taking cognizance if it is filed beyond the period of limitation. However, in the present case, the final report was filed only after a period of three years i.e. on 27.05.2024 and the learned trial Judge, without taking into consideration the same and without any application being filed for condoning the delay, has taken cognizance of the case in C.C.No.289 of 2024. Therefore, continuation of the proceedings against the petitioners is an abuse of process of law and is liable to be quashed.

3. In support of his contention, the learned counsel relied upon the judgment of the Hon'ble Apex Court in *Sarah Mathew vs. Institute of Cardio Vascular Diseases by its Director Dr.K.M.Chерian and others*, reported in (2014) 2 SCC 62.

4. Learned Additional Public Prosecutor appearing for the first respondent Police submitted that based on the complaint given by the second respondent, Muthu Sundaram, (Block Development Officer, Kunrathur Panchayat Union), Flying Squad Officer of Alandur Assembly Constituency, the present case was registered and after completion of investigation, the final report was filed in the year 2024.



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5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on record, this Court finds that the case was registered on 28.03.2021 for the offences under Sections 171(E) & 506(i) of IPC and that the maximum sentence is for a period of two years and hence, the charge sheet ought to have been filed within three years from the date of registration of the FIR as mandated under Section 468(1)(2)(c) of Cr.P.C. However, the charge sheet has been filed beyond the period of limitation and therefore, taking of cognizance of the case by the learned Magistrate is barred.

6. In view of the above, this Court is of the opinion that the proceedings pending against the petitioners is liable to be quashed. Accordingly, the Criminal Original Petition stands allowed and the proceedings pending against the petitioners in C.C.No.289 of 2024 on the file of the learned Judicial Magistrate No.I, Alandur, are hereby quashed. Consequently, the connected miscellaneous petitions are closed.

05.12.2025

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Neutral Citation: Yes/No



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To

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1. The Judicial Magistrate No.I, Alandur.
2. The Inspector of Police,
S-1, St.Thomas Mount Police Station,
Chennai – 600 016.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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