



CrI.O.P.No.31518 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

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

CrI.O.P.No.31518 of 2025

Abdulkhader

S/o Mohamedmohideen

... Petitioner

Vs.

1. The State represented by its
The Inspector of Police,
Salem Town Police Station,
Salem District.

2. Gopinath,
S/o Mariyappan

..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 Charge Sheet in S.T.C.No.9267 of 2025 dated 06.07.2021 on the file of the Judicial Magistrate No.I, Salem and quash the same.

For Petitioner : Ms.K.Akshaya

For Respondents : Mr.R.Vinothraja
Govt. Advocate (CrI.Side)
for R1



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ORDER

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This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.9267 of 2025 dated 06.07.2021 on the file of the Judicial Magistrate No.I, Salem District.

2. The brief case of the prosecution is that the petitioner, along with certain others, indulged in a protest on 06.07.2021; hence, based on the complaint given by one C. Gunasekara, Sub-Inspector of Police, a case was registered in Cr.No.359 of 2021 for the offences under Sections 143 and 269 IPC read with Section 51(b) of the Disaster Management Act, 2005 and Sections 2 and 3 of the Epidemic Diseases Act, 1987; the first respondent police, after completing the investigation, filed a final report before the Judicial Magistrate Court No.I on 08.07.2025 which was taken up on file as S.T.C. No.9267 of 2025; seeking quashment of the said proceedings, this criminal original petition has been filed.

3. Learned counsel for the petitioner would submit that the incident had taken place on 06.07.2021 during COVID pandemic period. The maximum sentence for the offences charged against the petitioner is 3 years. In such circumstances, the charge sheet has to be filed within a period



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of three years as per Section 468 (2)(c) Cr.P.C. However, the charge sheet has been filed only on 08.07.2025, i.e. after four years from the date of registration of the FIR, which is beyond the period of limitation.

4. Learned Government Advocate (Crl.Side) would fairly admit that charge sheet was filed only on 08.07.2025.

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

6. That the occurrence took place on 06.07.2021, the FIR was registered on the same day, the maximum punishment for the aforesaid offences is three years, the final report was filed before the Judicial Magistrate Court No.I on 08.07.2025 after a period of four years from the date of registration of the FIR, though it ought to have been filed within three years as per Section 468(2)(c) Cr.P.C. and no application for extension of time was also filed by the prosecution, are not in dispute. In such perspective of the matter, no useful purpose will be served by keeping the case pending.



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7. Accordingly, the proceedings in S.T.C.No.9267 of 2025, pending on the file of the learned Judicial Magistrate No.1, Salem, as against the petitioner, is quashed and this Criminal Original Petition is allowed.

19.11.2025

vsi/cad

Neutral Citation:Yes/No



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To

1. The Inspector of Police,
Salem Town Police Station,
Salem District.

2. The Judicial Magistrate No.1, Salem.

3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

vsi/cad

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