



CrI.O.P.No.31774 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25.11.2025**

CORAM:

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

**CrI.O.P.No.31774 of 2025**

AGS. Gnanasekar

... Petitioner

Vs.

1. The State represented by,  
The Sub-Inspector of Police,  
Kandili Police Station,  
Tirupattur District.  
(Crime No.78 of 2021)
2. A.Bavya  
Assistant Director, Horticulture  
Tirupattur District.

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records relating in pursuant to the First Information Report in Crime No.78 of 2021, for the alleged offences under Sections 171(H) of IPC and Sections 4AA(1b) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 on the file of the first respondent Police and quash the same.

For Petitioner : Mr.R.M.Rithikveeramani

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



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## **ORDER**

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The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.78 of 2021, on the file of the first respondent Police.

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

2.1. The case in Crime No.78 of 2021 was registered based on the complaint given by the second respondent on 29.03.2021 against the petitioner, for the offences under Section 171(H) of IPC and Sections 4AA(1b) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, alleging that on 29.03.2021, by violating the rules, the petitioner had organised an election campaign procession.

2.2. The punishment prescribed for the offence under Section 171(H) IPC is fine which may extend to Rs.500/- and the punishment for other offences may extend to one year imprisonment. Hence, the investigation ought to have been completed and the final report filed within a limited period, as mandated under Section 468 Cr.P.C. Therefore, there is a bar for taking cognizance if it is filed beyond the period of limitation.



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2.3. Since the final report in this case has not been filed till date, 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. 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.Churian and others*, reported in (2014) 2 SCC 62.

4. Learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that based on the complaint given by the second respondent, A.Bavya, Assistant Director, Horticulture, Tirupattur District, alleging that the petitioner had violated the rules and conducted an election campaign procession, a case in Crime No.78 of 2021 was registered by the first respondent Police. He further submitted that the investigation in this case has been completed, however, the final report has not been filed before the jurisdictional Court.

5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on record, this Court finds that

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the case was registered on 29.03.2021 for the offences under Section 171(H) of IPC and Sections 4AA(1b) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act and that the maximum sentence is for a period of one year and thereby, the charge sheet ought to have been filed within one year from the date of registration of the FIR as mandated under Section 468(1)(2)(b) of Cr.P.C. However, the final report has not been filed till date and therefore, cognizance cannot be taken by the learned Magistrate.

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 proceedings pending against the petitioner pursuant to Crime No.78 of 2021, on the file of the first respondent Police, are hereby quashed.

**25.11.2025**

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Neutral Citation: Yes/No

To

1. The Sub-Inspector of Police,  
Kandili Police Station,  
Tirupattur District.
2. The Public Prosecutor,  
High Court of Madras.

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**A.D.JAGADISH CHANDIRA, J.**

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