



CRL OP(MD) No.8292 of 2024 etc, batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated :16 .05.2025

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

**CRL OP(MD)Nos.10803, 10808, 10862,
10865, 10886, 10892, 8340, 9056, 9219 and 8292 of 2024
and Crl MPs**

in CrIOP(MD)Nos.10803,10808,10862,10865,10886 & 10892 of 2024

K.Mohan @ Sakthisaran

.... Petitioner

Vs

**1.The State Represented by
the Inspector of Police,
Ammamet Police Station,
Thanjavur District**

2.P.Sridharan

... Respondents

Prayer in CrIOP(MD)No.10803,10808,10862,10865,10886 and 10892 of 2024: Petition filed under Section 482 of CrPC to call for the records pertaining to the impugned FIR in Crime Nos.175 of 2022, 115 of 2020, 202 of 2022, 1134 of 2020, 269 of 2017 and 57 of 2019 respectively pending on the file of the 1st respondent police and to quash the same as against the petitioner.



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in Crime No.8340 of 2024

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Nagarajan

.... Petitioner

Vs

1.The State Represented by
the Inspector of Police,
Samayanallur Police Station,
Madurai District,
Madurai.

2.P.Vaigundanathan

3.The Deputy Inspector General,
Chennai.

4.The Secretary to Home Department,
Chennai.

... Respondents

[R3 and R4 are impleaded vide order
dated 11.07.2024]

Prayer in CrIOP(MD)No.8340 of 2024: Petition filed under
Section 482 of CrPC to call for the records pertaining to the impugned
FIR in Crime No.327 of 2014 on the file of the 1st respondent police and
to quash the same as illegal as against the petitioner.

in Crime No.9056 of 2024

1.Sheik Alavudeen

2.Bhasiriya Begum

3.Vaija Begum

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4.Rasidha Begum

.... Petitioners

Vs

1.The State Represented by
the Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai.
[Crime No.1205 of 2019]

2.Mohamed Iliyash

... Respondents

Prayer in CrIOP(MD)No.9056 of 2024: Petition filed under Section 482 of CrPC to call for the records pertaining to the impugned FIR in Crime No.1205 of 2019 on the file of the 1st respondent police and to quash the same as illegal as against the petitioner.

in Crime No.9219 of 2024

Muthusamy

.... Petitioner

Vs

1.The Inspector of Police,
District Crime Branch,
Dindigul.

2.Maria Arockiadass

3.The Deputy Inspector General,
Chennai.

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4.The Secretary to Home Department,
Chennai.

... Respondents

[R3 and R4 are impleaded vide order
dated 11.07.2024]

Prayer in CrIOP(MD)No.9219 of 2024: Petition filed under
Section 482 of CrPC to call for the records pertaining to the impugned
FIR in Crime No.26 of 2013 on the file of the 1st respondent police and to
quash the same as illegal as against the petitioner.

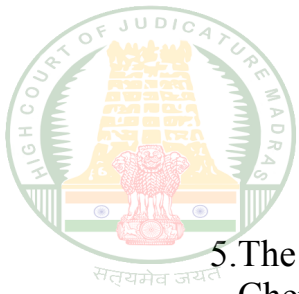
in CrI OP(MD)No.8292 of 2024

Sabitha Banu

... Petitioner

Vs

- 1.The Superintendent of Police,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Devakottai Division,
Sivagangai.
- 3.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai.
[Crime No.805 of 2012]
- 4.The Deputy Inspector General,
Chennai.



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5. The Secretary to Home Department,
Chennai.

... Respondents

[R4 and R5 are suo motu
impleaded vide order dated
11.07.2024]

Prayer in CrIOP(MD)No.8292 of 2024: Petition filed under
Section 482 of CrPC to direct the 3rd respondent to complete the
investigation and file the final report in Crime No.805 of 2012, dated
23.08.2012 on the file of the 3rd respondent police within time fixed by
this Court.

For Petitioner : Mr.K.K.Udhaya Kumar
in CrI.OP(MD)No.8292 of 2024
: Mr.Abdul Kabur
in CrI.OP(MD)No.8340 of 2024
: Mr.K.Athif Sheriff
for M/s.Ajmal Associates
in CrI.OP(MD)No.9056 of 2024
: Mr.R.Ramasamy
in CrI.OP(MD)No.9219 of 2024
: Mr. S.Venkatesan
in CrI.OP(MD)Nos.1865,10862,
10856,10803,10892 & 10808 of 2024
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor
in all petitions.



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COMMON ORDER

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Since the issue involved in all the cases are similar in nature all these cases are tagged together and disposed of by this common order.

2.The petitions in CRL OP(MD)Nos.10803, 10808, 10862, 10865, 10886, 10892, 8340, 9056 and 9219 of 2024 are filed to quash the FIR registered as against the petitioners / accused in the respective crime numbers on the ground that the final report in those cases have not yet been filed even after the time limit prescribed under the Criminal Procedure Code.

3.The main contention of the petitioners is that the cases registered against the petitioners are pending for several years at the investigation stage. However the final reports have not been filed so far. Therefore, they have filed these criminal original petitions that even after the prescribed time limit, the final reports have not been filed by the investigating agency. Therefore they contend that the FIRs registered as against them are liable to be quashed on the ground of non-filing of the



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final report as per Section 468 CrPC. Section 468 CrPC is clear and unambiguous and it bars taking cognizance of an offence, if on the date of taking cognizance, the period prescribed under Section 468 of CrPC has expired. Therefore, taking cognizance after the expiry of the limitation period is barred. In Support of their contention they have relied on the judgment of the Hon'ble Supreme Court in ***Raj Deo Sharma Vs State of Bihar and Sarwan Singh, reported in (1999) 7 SCC 604.***

4.The learned Additional Public Prosecutor appearing for the respondent Police filed the details containing the stage of those cases registered as against the petitioners and according to the details submitted by the learned Additional Public Prosecutor, out of 9 cases, in 8 cases final reports have not been filed, even after the prescribed time limit and in one case final report has been filed on 30.05.2024 and it is yet to be taken on file.

5.Considering the above details, this Court directed the Director General of Police to file a report in this regard by order dated 29.07.2024. Accordingly a report is field on behalf of the Director



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General of Police that the DGP has issued a circular memorandum in RC.No.2506959/Crime 4(3)/2022 dated 07.07.2022 giving several instructions including the direction to all the investigating officers to file the final report within the stipulated time as prescribed in the Criminal Procedure Code. Further a circular in Crime memorandum in RC.No.7850672/Crime 3(2)/2024, dated 25.07.2024 was issued directing the Commissioners of Police and Superintendents of Police to monitor the completion of investigations in the monthly crime review meeting. Further they have also nominated experienced police personnel to reduce the pendency of the cases.

6.It is evident from the contention of the petitioners and the submissions of the respondent police that the final reports have not yet been filed and the case are still pending at the stage of investigation for years together. The data shows that out of 9 cases, in one case alone final report is filed and it is yet to be taken on file.

7.Delay in filing the final report is not a ground to quash FIR, when the nature of offence and other relevant circumstances do not

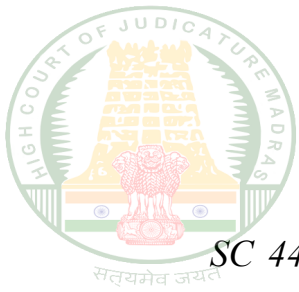


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warrant so. Further, a crime never dies and reaches its logical end either in acquittal or conviction, which was considered in detail manner by the Hon'ble Supreme Court in ***Japani Sahoo v. Chandra Sekhar Mohanty*** reported in (2007) 7 SCC 394, wherein it has been held as follows:

“14. The general rule of criminal justice is that a crime never dies. The principle is reflected in the well-known maxim nullum tempus aut locus occurrit regi (lapse of time is no bar to Crown in proceeding against offenders). The Limitation Act, 1963 does not apply to criminal proceedings unless there are express and specific provisions to that effect, for instance, Articles 114, 115, 131 and 132 of the Act. It is settled law that a criminal offence is considered as a wrong against the State and the society even though it has been committed against an individual. Normally, in serious offences, prosecution is launched by the State and a court of law has no power to throw away prosecution solely on the ground of delay.”

8.The Constitution Bench of Hon'ble Supreme Court in *Sarah Mathew v. Institute of Cardio Vascular Diseases*, reported in AIR 2014



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SC 448 has clarified as to how the limitation period is to be computed under Section 468 of CrPC, as under:

“51. In view of the above, we hold that for the purpose of computing the period of limitation under Section 468 CrPC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance.”

9.It would be relevant to refer the order of this Court in ***Abiganesh Vs The State of Tamil Nadu*** [CrlOP(MD)No.17860 of 2024, dated 21.10.2024], wherein the words “institution of prosecution” have been interpreted in a wide manner and the relevant portions read as follows:

“10. The word “prosecution” has not been defined anywhere in the Code of Criminal Procedure and a Division Bench of Allahabad High Court in Suneel Kumar Singh Vs. State of U.P. in Crl.A.No.724 of 2017 dated 18.02.2019, has observed as follows; “The prosecution has not been defined specifically in the light of proviso to Section 24(8) Cr.P.C. The meaning of word 'prosecution' as defined in Webster Dictionary, 3rd Edition is as follow; "the carrying out of a plan, project, or course of action to or toward a specific end." In view of the aforesaid definition the 'end' for which a plan or



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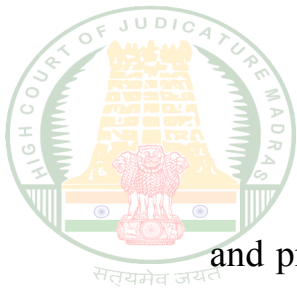


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project is carried out is called prosecution. In respect of proviso to Section 24(8) Cr.P.C. prosecution in respect of an offence begin with putting the law into motion by any individual or sufferer of crime. The 'end' in a prosecution within the meaning of proviso to sub-section 8 of section 24 Cr.P.C. would be adjudication of guilt of an offender who is charged with commission of an offence in accordance with procedure established by law in a court constituted under this code. So the prosecution starts with giving information of commission of crime and continued during investigation or inquiry, trial of offender and if any appeal is filed finally end by an order passed in appeal.

11.Considering the above, it can easily be inferred that the prosecution starts with giving information of commission of crimes. As rightly contended by the Government Advocate (Criminal Side), the words “institution of prosecution” used in Sarah Mathew's case cannot be limited to the private complaint cases.”

10.After filing a private complaint, the complainant has no further role to play and it is solely the court's responsibility to take cognizance



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and proceed. This applies to the cases instituted through an FIR as well.

When an informant diligently lodges an FIR within the limitation period, the police, as the statutory authority, take over the responsibility for registration and investigation, over which, the complainant / informant has no control. Therefore, the complainant / informant should not be penalised for the delay in filing the final report.

11.This Court is of the view that institution of prosecution, for the purposes of Section 468 Cr.P.C., refers to the date of filing the complaint or registering the FIR. Consequently, if the complaint or FIR is filed within the prescribed limitation period, the proceedings cannot be deemed barred by Section 468 merely because the order of cognizance or issuance of process occurs on a subsequent date.

12.In the light of the above discussion, though the writ petitions have been filed to quash the FIR on the ground of limitation, considering the nature of offence and the fact that FIRs have been registered within the prescribed limitation provided under Section 468 CrPC, this Court is not inclined to quash the FIRs and this Court directs the respective

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respondent police to file the final report in the aforesaid crime numbers forthwith, if not already filed.

Accordingly, CRL OP(MD)Nos.10803, 10808, 10862, 10865, 10886, 10892, 8340, 9056 and 9219 of 2024 are disposed as above.

13. Further, the petition in CrIOP(MD)No.8292 of 2024 is filed by the defacto complainant to direct the 3rd respondent to complete the investigation and file the final report in Crime No.805 of 2012, dated 23.08.2012 within the time fixed by this Court.

14.The learned Counsel for the petitioner submits that the case in Crime No.805 of 2012 was registered on 23.08.2012 based on the directions of this Court in the petition filed by petitioner. According to the petitioner the respondent police have not filed the final report even after several years from the registration of the case and therefore, the petitioner has approached this court for a direction to the respondent police to complete the investigation and file the final report in the aforesaid crime number within a prescribed time.



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15.The learned Additional Public Prosecutor appearing for the respondent submits that after completing the investigation in Crime No.805 of 2012 the final report had already been filed before the Judicial Magistrate concerned, however the Judicial Magistrate closed the proceedings on 10.03.2017 as barred by limitation under Section 468 CrPC.

16.In response to the above, the learned Counsel for the petitioner submits that the petitioner was not aware of the filing of the final report and the closure of the FIR. Further it is submitted that due to the delay on the part of the investigating agency in filing the final report, the proceedings was closed and she was not put on notice.

17.The FIR in this case has been registered in the year 2012, that too after the direction of this Court in CrIOP(MD)No.9422 of 2012, for the offence under Sections 323, 327 and 506(i) IPC, however, the respondent police have not filed the final report within the required period of three years. Therefore, the petitioner has been driven to approach this Court again with the above prayer. Now it is reported that



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the final report was filed and the Judicial Magistrate had closed the proceedings, since the final report was filed after the limitation period of three years. The petitioner / victim has been agitating the issue from the year 2012, however, on the fault of the respondent police for having filed the final report belatedly, the proceedings in Crime No.805 of 2012 was closed.

18.The object of the criminal justice system is a fact-finding exercise to arrive at the truth and provide justice to all the parties involved. It is not a partisan system meant to favour any one party. The quashing of cases due to delayed filing of final report where the de facto complainants / victims are under no fault is a grave injustice and would shake the faith of the people in the judicial system. When there is a clear time line within the law provided for the Police to file a final report, but the same is not done, it is the dereliction of duty on the part of the officials.

19.The Hon'ble Supreme Court in ***Mangal Singh & Anr vs Kishan Singh & Ors (AIR 2009 SC 1535)***, has emphasised on the perspective of



the victim in criminal trials. It has been observed as follows:

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“Any inordinate delay in conclusion of a criminal trial undoubtedly has highly deleterious effect on the society generally and particularly on the two sides of the case. But it will be a grave mistake to assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the accused. There is, therefore no reason to give all the benefits on account of the delay in trial to the accused and to completely deny all justice to the victim of the offence.”

20. In ***Hema vs State Through the Inspector Of Police Madras (AIR 2013 SUPREME COURT 1000)*** a three Judge Bench of the Hon'ble Supreme Court observed that “It is settled law that not only fair trial, but fair investigation is also part of constitutional rights guaranteed under Articles 20 and 21 of the Constitution of India. Accordingly, investigation must be fair, transparent and judicious and it is the immediate requirement of rule of law.



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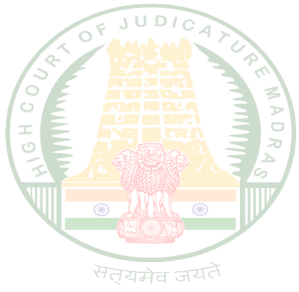
21.This Court is of the view the the petitioner being the victim has to be suitably compensated as the complaint of the petitioner has been closed due to no fault of her, but due to the delayed filing of the final report by the respondent police.

22.At this juncture it is pertinent to refer to Section 357A (4) of the CrPC, which reads as follows:

“Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.”

The grant of compensation as per the above provision is laid down under the Tamil Nadu Victim Compensation Scheme 2013.

23.In view of the above discussion, the petitioner is at liberty to make an application before the District Legal Services Authority, Sivagangai seeking compensation under the Tamil Nadu Victim Compensation Scheme 2013 and the same shall be considered by the District Legal Services Authority, Sivagangai on merits.



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24.This Criminal Original Petition in CrIOP(MD)No.8292 of 2024 is disposed of in the above terms.

25.In the result, all the criminal original petitions are disposed. Consequently connected miscellaneous petitions are closed.

16.05.2025

DSK

To

- 1.The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
- 2.The Inspector of Police,
Samayanallur Police Station,
Madurai District,
Madurai.
- 3.The Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai.
- 4.The Inspector of Police,
District Crime Branch,
Dindigul.
- 5.The Superintendent of Police,
Sivagangai.

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6.The Deputy Superintendent of Police,
Devakottai Division,
Sivagangai.

7.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai.

8.The Deputy Inspector General,
Chennai.

9.The Secretary to Home Department,
Chennai.

10.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

11. The District Legal Services Authority,
Sivagangai.

Copy to

The Director General of Police,
Chennai.



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B.PUGALENDHI,J

DSK

ORDER IN
CRL OP(MD)Nos.10803, 10808, 10862,
10865, 10886, 10892, 8340, 9056,
9219 and 8292 of 2024

Date : 16.05.2025