

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD)No.13705 of 2025

and

CrI.M.P(MD)No.10936 of 2025

Mohamed Fahad

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.1416 of 2020)

2.Mohamed Niyaes

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned FIR in Crime No.1416 of 2020 dated 27.11.2020 on the file of the Inspector of Police, Adirampattinam Police Station, Thanjavur and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.D.S.Haroon Rasheed

For R 1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : No appearance



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ORDER

This petition has been filed to quash the impugned FIR in Crime No.1416 of 2020 dated 27.11.2020 registered for the offence under Section 294(b) and 324 IPC on the file of the 1st respondent police.

2. The allegation in the FIR is that on account of prior dispute, the petitioner attacked the defacto complainant with hands and sticks and abused him in filthy language and thus committed the aforesaid offence.

3. The learned counsel for the petitioner would submit that though the occurrence took place on 23.11.2020, the FIR was registered on 27.11.2020 and final report has not been filed so far; that any final report filed in future would be barred by limitation; and that from the certified copy of the FIR, he relied on an endorsement by the learned Magistrate which reads as follows:

*“The period for taking cognizance of the offence is barred under Section 468(2) Cr.P.C.,
..signed by the Judicial Magistrate, Pattukottai.”*



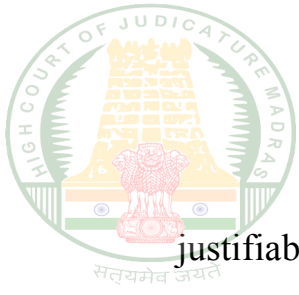
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4. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the respondents have not filed any final report so far.

5. Despite notice served on R2/defacto complainant, none has entered appearance.

6. Though it is the stand of the respondent police, that they have not filed any final report, there is an endorsement made by the learned Magistrate that cognizance is barred as per Section 468(2) of Cr.P.C. It is not clear as to whether final report was filed and rejected by the learned Magistrate.

7. Be that as it may. From the submissions made by the learned Additional Public Prosecutor, it is seen that no other offence is made out as against the petitioner. The offence as alleged against the petitioner are under Section 294(b) IPC punishable with six months and 324 IPC punishable with three years and as per Section 468(2) of Cr.P.C., the cognizance ought to have taken within a period of three years from the date of registration of FIR. The learned Additional Public Prosecutor also fairly submits that there is no



justifiable reason for the delay in filing the final report.

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8. In the light of the admitted fact that no cognizance have been taken on the final report so far, the impugned FIR in Crime No.1416 of 2020 is quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

18.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PJI

To
1.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

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



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SUNDER MOHAN, J.

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