



CRL OP(MD). No.16578 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16578 of 2025

Muthusamy @ Muthuchamy,

... Petitioner

Vs

1. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.343 of 2016).

2. G.Murugesan,,
The Inspect of Police,
Virudhunagar West Police Station,
Virudhunagar District..

... Respondents

PRAYER :- Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire pertaining to the proceedings in C.C.No.162 of 2023 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.Dhilipan Pandian .R .L,



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

ORDER

The petitioner seeks to quash the proceedings in C.C.No.162 of 2023 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar.

2. The allegation in the final report is that the petitioner along with another accused were jointly conducting an agency called JM consultants; that without obtaining the permission from the Government or the authority concerned they were engaged in the business of sending persons abroad for Jobs and also facilitating them to obtain passports.

3. The learned counsel for the petitioner would submit that among other grounds, the impugned final report is liable to be quashed as it is barred by limitation; that the offences took place in the year 2016 and the final report was filed in the year 2022 and later it was taken cognizance and numbered as C.C.No.162 of 2023 on the file of the learned Judicial



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Magistrate, Virudhunagar. He would further submit that the final report was filed only under Section 24 of the Emigration Act, 1983; that the maximum sentence that can be imposed for the offence under Section 24 of the Emigration Act, 1983 is six months imprisonment and that the limitation provided under Section 468(2)(b) of Cr.P.C is one year. In this case, final report has been filed after six years from the date of commission of offence. Hence, he seeks for quashing the impugned final report in C.C.No.162 of 2023 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar.

4. The learned Additional Public Prosecutor, on instruction, would fairly submit that the occurrence took place in the year 2016; that the final report has been filed on 27.07.2022; and that the prosecution has not filed any petition under Section 473 Cr.P.C for extension of time.

5. Admittedly, the alleged occurrence took place in the year 2016 and the final report was filed on 27.07.2022. The prosecution has not filed any petition under Section 473 Cr.P.C. The maximum sentence that can be imposed for the offence under Section 24 of the Emigration



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Act, 1983 is six months imprisonment.

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6. The respondent police ought to have filed the final report within a period of one year from the date of commission of offence. But in this case, the final report has been filed six years after the registration of FIR and there is no explanation for the delay in filing the final report. Since the final report is barred by limitation, the impugned prosecution is liable to be quashed. Accordingly, the final report in C.C.No.162 of 2023 pending on the file of the learned Judicial Magistrate No.I, Virudhunagar is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

13.10.2025

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TO

1. The Inspector of Police,
Virudhunagar West Police Station,

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Virudhunagar District.
(Crime No.343 of 2016).

2. G.Murugesan,,
The Inspect of Police,
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Virudhunagar District..

SUNDER MOHAN,J

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**ORDER
IN
CRL OP(MD) No.16578 of 2025**

Date : 13/10/2025