



Crl.O.P.(MD)No.18762 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18762 of 2025

and

Crl.M.P.(MD).No.15581 of 2025

Selvendran

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu Rep. through,
The Sub Inspector of Police,
Cumbum Police Station,
Theni District.
(Crime No.170/2019)

... 1st Respondent/Complainant

2.Sethu Kumar,
S/o.Unknown,
Block Development Officer,
Cumbum Assembly Constitution
Flying Squad B Team,
District Collectorate, Theni,
Theni District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned S.T.C.No.97 of 2025, on the file of Learned Judicial Magistrate Court, Uthamapalayam dated 26.03.2025 and quash the same as illegal.



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For Petitioner : Mr.S.M.Ramasiva
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to quash the impugned final report in S.T.C.No.97 of 2025 on the file of the learned Judicial Magistrate, Uthamapalayam, which was filed for the offences under Section 353 and 171(E) of IPC.

2. The allegation in the final report is that during routine check up, on 17.04.2019 at about 10.50 PM, on suspicion, when the defacto complainant/Election Flying Squad Officer tried to search a car, the second accused prevented him from conducting the search; that the petitioner and the second accused were found in possession of Rs.37,000/-; that when questioned, they had informed that they were distributing cash to voters; and that the said sum was the balance after distribution.

3. The learned counsel for the petitioner would submit that the alleged occurrence took place on 17.04.2019; that before filing of the final report, the second accused died; that the petitioner is sought to be prosecuted only under



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Section 171(E) of IPC; that apart from the confession, there is no evidence as against the petitioner to prove the alleged distribution of money to voters; that the witnesses cited by the prosecution are police officials belonging to the respondent police station and observation mahazar witnesses; that in any case, the impugned final report is barred by limitation as the offence is punishable with one year imprisonment; that the first respondent ought to have filed the final report within a period of one year from the date of occurrence; that the impugned final report was filed on 28.03.2023; and that no petition was filed to condone the delay in filing of final report.

4. The learned Additional Public Prosecutor fairly submitted that no petition was filed to condone the delay in filing the final report and that the final report was filed on 28.03.2023.

5. The petitioner had been prosecuted for the offence under Section 171(E) of IPC. The maximum sentence for the said offence is one year imprisonment. Under Section 468(2)(b) of Cr.P.C., the first respondent ought to have filed the final report within a period of one year. However, they have filed the final report four years after the occurrence. The first respondent also has no justifiable reason for the delay. That apart, they have not filed any petition



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before the learned Magistrate to condone the delay under Section 473 of Cr.P.C.

Hence, the impugned final report is barred by limitation and is liable to be quashed. Accordingly, the impugned final report in S.T.C.No.97 of 2025 on the file of the learned Judicial Magistrate, Uthamapalayam is quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

28.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm/Ars

To

- 1.The Judicial Magistrate Court,
Uthamapalayam.
- 2.The Sub Inspector of Police,
Cumbum Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm/Ars

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