



Crl.O.P.(MD)No.20746 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20746 of 2025

and

Crl.M.P.(MD).Nos.17630 and 17631 of 2025

Senthilkumar @ Venkayakadai Senthil

... Petitioner/Accused No.6

Vs.

1.The State of Tamil Nadu Rep. by,
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.44 of 2021)

... 1st Respondent/Complainant

2.Gandhi Raju,
Co-operative Sub Registrar,
Virudhunagar District,
Deputy Register Office,
Collectorate,
Virudhunagar District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in Crl.M.P.No.2205 of 2024 on the file of the Learned Judicial Magistrate No.1, Virudhunagar, Virudhunagar District and quash the same.

For Petitioner : Mr.K.Vignesh

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition is filed to quash the final report in Crl.M.P.No.2205 of 2024 on the file of the learned Judicial Magistrate No.1, Virudhunagar District, which was filed for the offences under Section 143, 188, 286 of IPC, Section 4(AA)(1a) and 4AA(4) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. Earlier, when the first accused had challenged the FIR, which culminated in the impugned final report, in Crl.O.P.(MD).No.878 of 2024, this Court, by the order dated 10.10.2025, had quashed the proceedings as barred by limitation. The relevant portion of the order reads as follows:

"4. The learned Government Advocate (Crl.Side), per contra, would submit that the impugned final report was filed with an application under Section 473 of Cr.P.C for extension of period of limitation; that the said petition is still pending before the learned Judicial Magistrate No.I, Virudhunagar, in Cr.M.P.No. 2205 of 2024; and produced the copy of the said petition before this Court.

5. Admittedly, the maximum sentence that can be imposed for the alleged offences as against the petitioner is one year imprisonment. Therefore, the first respondent ought to have filed



the final report within a period of one year from the date of registration of the FIR as per Section 468(2)(b) of Cr.P.C. However the respondents had filed the final report only in January 2024 along with a petition under Section 473 Cr.P.C. The petition filed under Section 473 Cr.P.C states that the final report was misplaced and mixed with other final reports in the Police Station and hence, there has been a delay.

6. The reason in the condone delay petition is as vague as possible. It is not stated in the said petition that as to how the final report got mixed up with other bundles and where it was placed. The said petition therefore is bereft of necessary particulars and the explanation stated in the said petition is not satisfactory. Therefore, this Court is of the view that no useful purpose would be served by relegating the parties to the learned Magistrate for a decision on the petition to condone the delay in filing the final report.

7. In the light of the fact that the impugned final report is barred by limitation and the petition filed by the first respondent under Section 473 Cr.P.C. does not merit acceptance, this Court is of the view that no useful purpose would be served in continuing the impugned prosecution. Hence, the impugned FIR and the consequential final report, which is yet to be taken on file, are quashed."

The observations made by this Court would squarely apply to the petitioner as well. Hence, the impugned final report, which is yet to be taken on file, is



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quashed in entirety and the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petitions are closed.

27.11.2025

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

To

- 1.The Judicial Magistrate Court No.1,
Virudhunagar District.
- 2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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