



WEB COPY

CRL OP No. 2104 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 2104 of 2026
and Crl.M.P.No.1404 of 2026**

Mohan Kumar

..Petitioner(s)

Vs

State Rep. by The Inspector of Police
Jedarpalayam Police Station,
Namakkal District.
Crime No. 126/2019.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records relating to Crime No.126 of 2019 on the file respondent police and quash the same.

For Petitioner(s):	Mr.G.Anbuchezeiyan
For Respondent(s):	Mr.S.Santhosh Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.126 of 2019 pending on the file of the respondent.

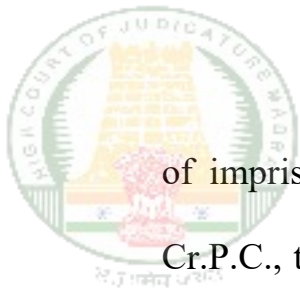


2. The case of the prosecution is that the petitioner had committed theft of 7 units of river sand from the river bed by using two lorries bearing Registration Nos.TN 28 P 7389 and TN 28 AU 7788. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the alleged offence is stated to have taken place on 18.07.2019 and the case has been registered on the same day. In such circumstances, the final report ought to have been filed within a period of three years. However, the respondent has not filed the final report till date. Therefore, there is a bar under Section 514 of the BNS, against taking cognizance after the lapse of the period of limitation. Accordingly, the petitioner seeks to quash the proceedings against him.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that initially, a case was registered for the offences punishable under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act. After completion of investigation, the first respondent e-filed the final report for the offences punishable only under Section 379 of IPC before the Judicial Magistrate, Paramathi and it is yet to be taken on file.

5. The fact remains that the petitioner has been charge-sheeted for the offence punishable under Section 379 of IPC for which the maximum sentence



of imprisonment is 3 years. In such circumstances, as per Section 468(2)(c) Cr.P.C., the first respondent ought to have filed the final report within a period of three years from the date of registration of the First Information Report. Though the alleged occurrence is stated to have taken place on 18.07.2019, the final report has been e-filed only on 26.06.2024, which is clearly beyond the period of limitation. Therefore, cognizance cannot be taken.

6. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the criminal proceedings pending. Accordingly, this Criminal Original Petition stands allowed and all further proceedings pending against all the accused pursuant to Crime No.126 of 2019, on the file of the respondent Police are hereby quashed in their entirety. Consequently, the connected miscellaneous petition is closed.

03-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
VKR



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CRL OP No. 2104 of 2



A.D.JAGADISH CHANDIRA, J.

VKR

To

- 1.The Judicial Magistrate, Paramathi.
- 2.The Inspector of Police
Jedarpalayam Police Station,
Namakkal District.
- 3.The Public Prosecutor,
High Court of Madras.

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