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*Crl.O.P. No. 759 of 2026*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2026

CORAM

**THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR**

Crl.O.P. No. 759 of 2026

&

Crl.M.P. No. 395 of 2026

1. J. Kamalakannan @ Kamalanthan

2. K. Yuvaraj

..Petitioners

Vs.

1. The State rep. by  
The Inspector of Police,  
B7, Vellavedu Police Station,  
Tiruvallur District.

2. Sadagopan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records and quash the final report filed in C.C. No. 201 of 2025 pending on the file of learned Judicial Magistrate No.II, Poonamallee.

For Petitioners

::

Mr.V. Ramamurthy



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For Respondents :: Mr.Leonard Arul Joseph Selvam  
Addl. Public Prosecutor for R1  
Mr.S. Karthik for R2

## O R D E R

The petitioners/accused, who are facing trial in C.C. No. 201 of 2025 on the file of learned Judicial Magistrate No.II, Poonamallee, for the offences under Sections 294(b), 323 and 326 r/w 34 IPC have filed the present criminal original petition.

2. The contention of the petitioners is that in this case, FIR was registered on 26.06.2019. Thereafter, investigation was kept pending and charge sheet was filed only on 19.05.2025. According to the petitioners, though the FIR was registered for offences under Sections 294(b), 323 and 324 IPC and the same was altered on 18.08.2019 itself, the alteration report was sent to the Court only on 19.05.2025 and therefore, the filing of charge sheet is beyond the limitation period prescribed under Section 468 Cr.P.C. Further, the petitioners would submit that earlier, they filed a copy application before the learned Judicial Magistrate No.II, Poonamallee on 08.10.2024 seeking a certified copy of the FIR. But, the same was returned



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on 25.03.2025 stating that no bundle was received and no documents were available in Court. According to the petitioners, thereafter, the charge sheet has been filed including Section 326 r/w 34 IPC to get over the limitation. The medical records confirming that the victim in this case suffered grievous injuries have not been produced. Further, the 1<sup>st</sup> petitioner had lodged a counter complaint, which was registered in Crime No. 247 of 2019 for offences under Sections 294(b) and 323 IPC, which was closed as ‘mistake of fact’ without giving any notice to the 1<sup>st</sup> petitioner.

3. Learned Additional Public Prosecutor for the 1<sup>st</sup> respondent submitted that in this case, the petitioners have been charged including the offence under Section 326 IPC and thereby, the petitioners’ contention of limitation would not arise. He further submitted that the victim in this case suffered grievous injuries; he was admitted in the hospital on 25.06.2019; thereafter, he was treated and referred to Government Eye Hospital, Egmore, Chennai and the medical records and Accident Register have been collected. Though the respondent Police failed to send the FIR to the Court immediately, it was sent later and that alone would not entitle the petitioners to seek quashing of charge sheet.



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4. Learned counsel appearing for the 2<sup>nd</sup> respondent submitted that the counter complaint given by the 1<sup>st</sup> petitioner was closed as 'mistake of fact' and the same has not been challenged. He further submitted that the Doctor, who treated the victim has been listed as L.W.9. The Doctor has given the details of Accident Register, the nature of injury sustained and also given his opinion that the injury is grievous in nature. Hence, Section 326 has been included. The mistake committed by the investigating agency would not be a deterrent to the case of the de facto complainant and would not automatically enure to the benefit of the petitioners. He further submitted that the points raised by the petitioners are factual in nature, which have to be decided only during trial.

5. Considered the submissions on either side and perused the materials on record.

6. Now, investigation has been completed and charge sheet has been filed including the offence under Section 326 r/w 34 IPC. In view of the same, the contention of the petitioners with regard to limitation will not arise. The mistake committed by the investigating agency will not enure



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to the benefit of the petitioners/accused and thereby defeat the right of the victim in this case. It is further seen that the Doctor, an independent witness, has clearly given a statement that the victim suffered grievous injuries. There is no reason to doubt the veracity of the statement of the Doctor at this stage. Hence, this Court is not inclined to entertain this petition and the same dismissed. Connected miscellaneous petition is closed.

09.04.2026

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To

1. The Judicial Magistrate No.II,  
Poonamallee.
2. The Inspector of Police,  
B7, Vellavedu Police Station,  
Tiruvallur District.
3. The Public Prosecutor,  
High Court, Madras.



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**M. NIRMAL KUMAR,J.**

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