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Crl.O.P.No.3327 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM:

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

Crl.O.P.No.3327 of 2026
and Crl.M.P.No.2336 of 2026

Sri Vishnu

... Petitioner

Vs.

1. The State of Tamil Nadu,
The Inspector of Police,
Kondalampatti Police Station,
Salem – 636 010. (Crime No.1208 of 2020)

2. Murugan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records and quash the First Information Report No.1208 of 2020 dated 26.12.2020 registered at the first respondent police station.

For Petitioner : Mr.O.Solaiappan

For R1 : Mr.S.Santhosh

Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report pending against the petitioner in Crime

No.1208 of 2020, on the file of the first respondent Police.

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2. Based on the complaint lodged by the second respondent/*de facto* complainant, alleging that the petitioner, who was riding a two wheeler, abused the de facto complainant, a pedestrian, in filthy language, the aforesaid case in Crime No.1208 of 2020 was registered on 26.12.2020 for the offence under Section 294(b) of IPC, which is now sought to be quashed.

3. The submissions of the learned counsel appearing for the petitioner are as follows:-

3.1. The incident took place on 26.12.2020 and the case was registered on the same day. However, when the petitioner applied for a certified copy of the impugned FIR by way of copy application No.396 of 2025 before the jurisdictional Magistrate, it was returned on 26.12.2025 with an endorsement that the impugned FIR has not been filed before the Magistrate till date. Therefore, neither the FIR, the 161 Cr.P.C. statement nor the final report has been filed before the learned Magistrate concerned by the first respondent police.

3.2. The maximum punishment prescribed for the aforesaid offence is tabulated hereunder:



Sections	Punishment
294(b) IPC	Imprisonment may extend to three months, or with fine upto Rs.1,000/-, or with both

3.3. In respect of the aforesaid offence, the investigation ought to have been completed and the final report filed within one year from the date of registration of the FIR, as mandated under Section 468 Cr.P.C. Therefore, there is a clear bar for taking cognizance if the final report is filed beyond one year.

3.4. Hence, the learned Magistrate is barred from taking cognizance of the case if the final report has not been filed within one year. Therefore, continuation of the proceedings against the petitioner is an abuse of process of law and hence, he prayed to quash the proceedings pending against the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the first respondent police submitted that the investigation in this case has been completed and the charge sheet is yet to be filed before the jurisdictional Magistrate.

5. Heard both sides and perused the materials available on record.



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6. For the punishment set out in paragraph 3.2, supra, the final report ought to have been filed within one year from the date of registration of the FIR, as per Section 468(2)(b) of Cr.P.C. However, in the instant case, the final report has not been filed till date and therefore, cognizance cannot be taken.

7. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the impugned First Information Report pending and the same is liable to be quashed.

8. Accordingly, the Criminal Original Petition stands allowed and the First Information Report pending against the petitioner in Crime No.1208 of 2020, on the file of the first respondent police, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

12.02.2026

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Neutral Citation: Yes/No



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To

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1. The Inspector of Police,
Kondalampatti Police Station,
Salem – 636 010
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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