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Crl.O.P.No.4199 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

CORAM:

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

Crl.O.P.No.4199 of 2026
and Crl.M.P.No.2933 of 2026

Alavutheen

... Petitioner

Vs.

1.The State represented by
The Inspector Police,
Vikravandi Police station,
Villupuram District.
(Crime No.255 of 2018)

2. Dharmalingam,
Jailor, Central Prison-1,
Puzhal, Chennai - 600 066.

... 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 in
S.T.C.No.283 of 2025 on the file of the District Munsif-cum-Judicial Magistrate
Court at Vikravandi, Villupuram District and quash the same

For Petitioner : Ms.Y.Gomathi

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



ORDER

This Criminal Original Petition has been filed seeking to call for the records in S.T.C.No.283 of 2025 on the file of the District Munsif-cum-Judicial Magistrate Court at Vikravandi, Villupuram District and to quash the same.

2. The case of the prosecution is that the petitioner who was a convict prisoner, was granted emergency leave on account of his father's health condition for six days on 28.04.2018. The petitioner/accused ought to have returned to the prison on 05.05.2018. However, he did not return to the prison and thus, committed offence under Section 224 of IPC. Based on the complaint given by the 2nd respondent/Jailer, a case in Crime No.255 of 2018 was registered for the offence under Section 224 of IPC. While investigation was pending, petitioner was arrested on 10.10.2021 and remanded to judicial custody on 13.10.2021. The respondent police, after completing the investigation, filed the final report on 25.10.2025 on the file of the District Munsif-cum-Judicial Magistrate Court at Vikravandi, Villupuram District and the case has been taken up for trial in S.T.C. No.283 of 2025, seeking to quash which the present petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) for the first respondent.



4. Learned counsel appearing for the petitioner would submit that the maximum punishment for the offence under Section 224 of IPC is two years; in such circumstances, the first respondent ought to have filed the final report within the period of limitation of three years from the date of either registration of the case or at least from the date of arrest of the petitioner *i.e* on 10.10.2021 as mandated under Section 468 Cr.P.C.; however, the final report has been filed only on 25.10.2025. Therefore, there is a clear bar for taking cognizance if it is filed beyond three years. He would further submit that since the final report has not been filed even after the expiry of three years, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the proceedings against the petitioner is an abuse of process of law and the same is liable to be quashed.

5. Learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the petitioner who was granted emergency leave on 28.04.2018 ought to have returned to the prison on 05.05.2018; since he did not return to the prison, a case was registered based on the complaint given by the 2nd respondent/Jailer. He would further submit that due to continuing offence, the accused was arrested on 10.10.2021 and remanded to judicial custody on 13.10.2021.

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



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7. The punishment for the offence under Section 224 of IPC, is imprisonment for a term not exceeding 2 years, or with fine or with both. For the said offence, the final report ought to have been filed within three years from the date of registration of the FIR, as per Section 468(2)(c) of Cr.P.C. However, in the instant case, the final report has been filed after the period of limitation and therefore, cognizance ought not to have been taken.

8. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the impugned proceedings pending. Accordingly, this Criminal Original Petition stands allowed and the impugned proceedings in S.T.C No. 283 of 2025, on the file of the District Munsif-cum-Judicial Magistrate Court at Vikraandi, Villupuram District, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

19.02.2026

dsn

Neutral Citation: Yes/No



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To

1. The Inspector Police,
Vikravandi Police station,
Villupuram District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

dsn

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