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Crl.O.P.No.1847 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2026

CORAM:

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

Crl.O.P.No.1847 of 2026

and

Crl.M.P.Nos.1217 & 1219 of 2026

Ali Zumarad

... Petitioner

Vs.

1. The State of represented by,
The Inspector of Police,
B1, North Beach Police Station,
Chennai.

2. Mohamed Bugar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records in C.C.No.1392 of 2022 in Crime No.1217 of 2017, pending on the file of the Metropolitan Magistrate Court, George Town and quash the same.

For Petitioner : Mr.C.R.Gokulvisvas
for Mr.T.Elumalai

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



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ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings pending against the petitioner in C.C.No.1392 of 2022, on the file of the learned Metropolitan Magistrate, George Town.

2. Based on the complaint lodged by the second respondent/*de facto* complainant, alleging that the petitioner, along with the other accused, committed theft of his mobile phone on 04.10.2017, a case in Crime No.1217 of 2017 was registered on 01.07.2022 for the offence under Section 379 of IPC. After completion of the investigation, the final report was filed before the learned Metropolitan Magistrate, George Town for the offences under Sections 379, 411 r/w 34 of the IPC and the learned Magistrate took cognizance of the same and numbered it as C.C.No.1392 of 2022, which is now sought to be quashed.

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

3.1. The petitioner has been implicated in the present case solely based on the confession statement allegedly recorded from the co-accused.



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Other than the said confession statement, there is no material evidence against the petitioner.

3.2. The alleged incident is said to have taken place on 04.10.2017 and that the case was registered on the same day. The maximum punishment prescribed for the aforesaid offence is tabulated hereunder:

Sections	Punishment
379 & 411 IPC	Imprisonment may extend to three years, or with fine or with both

3.3. Since the case was registered on 04.10.2017, the investigation ought to have been completed and the final report filed within three years 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 it is filed beyond three years. However, in this case, the final report was filed only in the year 2022, which is beyond the period of limitation. Admittedly, in this case, no application has been filed seeking condonation of delay in filing the final report.

3.4. Hence, the continuation of the proceedings against the petitioner is an abuse of process of law. Therefore, he prayed to quash the proceedings pending against the petitioner.



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4. Learned Government Advocate (Criminal Side) appearing for the first respondent police submitted that based on the complaint given by the second respondent, the present case came to be registered on 04.10.2017. He further submitted that the final report was filed in the year 2022 and he fairly admitted that there is a delay.

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

6. For the punishment set out in paragraph 3.2, supra, 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 not been filed within the period of three years since the registration of the FIR 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 proceedings pending and the same is liable to be quashed. Accordingly, the Criminal Original Petition stands allowed and the proceedings pending against the



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petitioner in C.C.No.1392 of 2022, on the file of the learned Metropolitan
Magistrate, George Town, is hereby quashed. Consequently, the connected
miscellaneous petitions are closed.

30.01.2026

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Neutral Citation: Yes/No

To

1. The Metropolitan Magistrate,
George Town.
2. The Inspector of Police,
B1, North Beach Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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