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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

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

CRL.O.P.No.2173 of 2026
and
CRL.M.P.Nos.1450 and 1452 of 2026

1. Somasundaram,
S/o. Senthamarai Kannan,
Thenmadaveethi,
Nedungunam Village,
Chetpet Taluk,
Thiruvannamalai District.
2. S.S.Krishnamoorthy @ Agri Krishnamoorthy,
Member of Legislative Assembly,
Polur Constituency,
S/o. Sundaresan,
Elathur Village,
Kalasapakkam Taluk,
Thiruvannamalai District.

..Petitioner(s)

Vs

1. The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
2. Manokaran,
S/o.Kuppusamy,
Special Tahsildar,
SSS Jamunamarathur,
Flying Squad Officer,
Team No.1,
Thiruvannamalai District.

..Respondent(s)



PRAYER: Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the case pending investigation in S.T.C.No.362 of 2025 on the file of the learned Judicial Magistrate, Polur and quash the same as against the petitioner.

For Petitioner(s): Mr.S.Tamil Selvan

For Respondent(s): Mr.K.M.D. Muhilan
Additional Public Prosecutor
for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings pertaining to the case pending investigation in S.T.C.No.362 of 2025 on the file of the learned Judicial Magistrate, Polur.

2.It is the case of the prosecution that while the 2nd respondent was working as Special Tahsildar, SSS Jamunamarathur Flying Squad Officer, he was deployed for election duty in the Polur Legislative Assembly Constituency pursuant to election related instructions issued by the competent authorities. On 02.04.2021 from 09.00 p.m. till 03.04.2021 about 01.04 a.m., the Flying Squad Officials were proceeding on routine surveillance rounds in Thenmadhavedhiyil, Nedungunam Village, and noticed one Somasundaram, aged about 50 years, standing on the street along with another unidentified person. At that point of time, the person who was allegedly accompanying Somasundaram fled from the spot and his name and address could not be



ascertained. When the said Somasundaram was questioned by the officials, he abused them in filthy language and upon inspection, a yellow coloured cloth bag in his possession was found to contain Rs.59,500/- without any valid document. Suspecting that the money was kept for distribution to the voters during the election period, the Flying Squad Officials seized the said amount in the presence of the complainant. Based on the complaint, a case was registered against the petitioners in Crime No131/2021 before the Chetpet Police Station for the offences punishable under Sections 294(b), 171(B)(1)(ii), 171(C)(1), 171(E), 171(F) and 171(I) of IPC. Challenging the same, the present Criminal Original Petition has been filed.

3.The maximum punishment prescribed for the aforesaid offences are tabulated hereunder:

Sections	Punishment
294(b) IPC	Imprisonment may extend to three months, or with fine, or with both.
171(B)(1)(ii) IPC	-
171(C)(1) IPC	-
171(E) IPC	Imprisonment may extend to one year, or with fine, or with both.
171(F) IPC	Imprisonment may extend to one year, or with fine, or with both.
171(I) IPC	Fine may extend to five hundred rupees



In view of the above, according to the learned counsel for the petitioners, 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. The occurrence is said to have happened on 03.04.2021. Since the final report was filed on 19.02.2024, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the proceedings against the petitioners is an abuse of process of law and the impugned proceedings is liable to be quashed.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners were indulging in corrupt practices and the amount of Rs.59,500/- was seized by the respondent. However, he would submit that final report was filed on 19.02.2024 through e-filing.

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

6.For the punishments set out in Paragraph 3 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)(c) of Cr.P.C. However, in the instant case, the final report was filed only on 19.02.2024 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 case pending. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.T.C.No.362 of 2025 on the file of the learned Judicial Magistrate, Polur, is hereby quashed in entirety. Consequently, the connected miscellaneous petitions are closed.

29-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MPS

To

1. The Judicial Magistrate,
Polur.
2. The Inspector of Police
Chetpet Police Station,
Thiruvannamalai District.
3. Manokaran
S/o.Kuppusamy,
Special Tahsildar,
SSS Jamunamarathur,
Flying Squad Officer,
Team No.1,
Thiruvannamalai District.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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CRL OP No. 2173 of 2



A.D.JAGADISH CHANDIRA J.

MPS

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