



Crl.O.P.No.2871 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2026

CORAM:

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

Crl.O.P.No.2871 of 2026

Kevin Joseph

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai. (Crime No.347 of 2022)

2. Samraj

... 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 Crime No.347 of 2022, on the file of the first respondent police and quash the same.

For Petitioner : Mr.G.Ashok Kumar

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)
Assisted by Mr.M.S.Rajkumar

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.347 of 2022, pending against the petitioner on the file of the first respondent police.



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2. Based on the complaint lodged by the second respondent, alleging that the petitioner/accused, in an inebriated condition, damaged the mirrors of the two-wheelers parked on his street and also attempted to assault the public, the aforesaid case in Crime No.347 of 2022 was registered on 08.04.2022 for the offences under Section 427 of IPC and Section 75 of the TN City Police Act, 1888, which is now sought to be quashed.

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

3.1. The alleged incident is said to have taken place on 07.04.2022 and the case was registered on 08.04.2022. The maximum punishment prescribed for the aforesaid offence is tabulated hereunder:

Sections	Punishment
427 IPC	Imprisonment may extend to two years or with fine or with both
75 of TN City Police Act	Imprisonment may extend to six months or with fine or with both

3.2. In respect of the aforesaid offences, 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



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Cr.P.C. Therefore, there is a clear bar for taking cognizance if it is filed beyond three years.

3.3. Since the final report has not been filed within one year, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the criminal proceedings against the petitioner is an abuse of process of law and the same is liable to be quashed.

4. Learned Government Advocate (Criminal Side) appearing for the first respondent Police, on instructions from Mr.R.Palaniyappan, HC 33198, P-6, Kodungaiyur Police Station, Chennai, submitted that the investigation in this case has been completed and the charge sheet is yet to be filed before the jurisdictional Magistrate. 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 3.1, 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 till date and therefore,



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cognizance cannot be taken.

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7. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the criminal proceedings pending against the petitioner and the same is liable to be quashed. Accordingly, the Criminal Original Petition stands allowed and the First Information Report in Crime No.347 of 2022 pending on the file of the first respondent police is hereby quashed.

09.02.2026

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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