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CRL OP No. 3612 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-02-2026

CORAM

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

**CRL OP No. 3612 of 2026
and Crl.MP.No.2500 of 2026**

1. Rammohan
2. Suresh
3. Moorthy

..Petitioner(s)

Vs

1. The State Rep.by its, The Inspector of Police,
Mailam Police Station,
Villupuram District.
Cr.No.616 of 2016.

2. Arumugam

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for records pertaining to Crime No.616/2016 dated 20.09.2016 pending on the file of the first respondent and quash the same

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.616 of 2016, pending against the petitioner on the file of the first respondent police.



2. Based on the complaint lodged by the second respondent, alleging that due to previous enmity, the petitioners abused the brother of the de facto complainant and assaulted him with a stick, the aforesaid case in Crime No.616 of 2016 was registered on 20.09.2016 for the offences under Sections 341, 294(b), 323, 324 and 506(i) of IPC, 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 18.09.2016 and the case was registered on 20.09.2016. The maximum punishment prescribed for the aforesaid offences is tabulated hereunder:

Sections	Punishment
341 IPC	Imprisonment may extend to three months or with fine or with both
294(b) IPC	Imprisonment may extend to three months or with fine or with both
323 IPC	Imprisonment may extend to one year or with fine or with both
324 IPC	Imprisonment may extend to three years or with fine or with both
506(i) IPC	Imprisonment may extend to two years 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 Cr.P.C. Therefore, there is a clear bar for taking cognizance if it is filed beyond three years from the date of registration of FIR.

3.3. Since the final report has not been filed within three years, 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. Therefore, he prayed to quash the FIR pending against the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the first respondent Police, on instructions, 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 within the period of three years since the registration of the FIR and therefore, 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 impugned 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.616 of 2016 pending on the file of the first respondent police is hereby quashed. Consequently, the connected miscellaneous petition is closed.

13-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

1.The Inspector of Police,
Mailam Police Station,
Villupuram District.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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