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CRL OP No. 4750 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

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

CRL OP No. 4750 of 2026
and Crl.M.P.No.3387 of 2026

M.S.Aruchamy @ Arumugam

..Petitioner

Vs

1. The State Rep by,
The Inspector of Police,
Pollachi East Police Station,
Pollachi, Coimbatore District.

2. The Election Officer/Executive Officer
Suleeswaranpatti Town Panchayat,
Suleeswaranpatti,
Pollachi, Coimbatore District.

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for records pertaining to the FIR in
Crime No.171 of 2022 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Jahan

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

ORDER

The present Criminal Original Petition has been filed seeking to quash the
First Information Report in Crime No.171 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 trespassed into the Suleeswaranpatti Panchayat Office, where the election to the post of Chairman of the Panchayat was conducted, grabbed the ballot papers, torn them into pieces and took away with him, the aforesaid case in Crime No.171 of 2022 was registered on 17.03.2022 for the offences under Sections 447 and 171-F of IPC, which is now sought to be quashed.

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

3.1. The alleged incident is said to have taken place on 04.03.2022 and the case was registered on 17.03.2022. The maximum punishment prescribed for the aforesaid offences is tabulated hereunder:

Sections	Punishment
447 IPC	Imprisonment may extend to three months or with fine or with both
171-F IPC	Imprisonment may extend to 1 year or with fine or with both or if treating only, fine only

3.2. In respect of the aforesaid offences, 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. Therefore, there is a clear bar for taking cognizance if it is filed beyond one year from the date of registration of FIR.

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. 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; the charge sheet has been filed on 24.10.2025 and the same has been taken cognizance of on the file of the Judicial Magistrate No.I, Pollachi, in C.C.No.1037 of 2025. However, 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 one year from the date of registration of



the FIR, as per Section 468(2)(b) of Cr.P.C. However, in the instant case, the final report has been filed on 24.10.2025, which is beyond the period of one year since the registration of the FIR and therefore, cognizance should not have been 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 against the petitioner in connection with Crime No.171 of 2022 and the same is liable to be quashed. Accordingly, the Criminal Original Petition stands allowed and all further proceedings pending against the petitioner pursuant to the FIR in Crime No.171 of 2022 which has now culminated into C.C.No.1037 of 2025 on the file of the Judicial Magistrate No.I, Pollachi, are hereby quashed. Consequently, the connected miscellaneous petition is closed.

26-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRM



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To

1. The Judicial Magistrate No.I,
Pollachi, Coimbatore District.
2. The Inspector of Police,
Pollachi East Police Station,
Pollachi, Coimbatore District.
3. The Election Officer/Executive Officer
Suleeswaranpatti Town Panchayat,
Suleeswaranpatti,
Pollachi, Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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