



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 454 of 2026

1. Bharathmurugan @ Bharath
2. Shakila
3. Malli (Mallika @ Dhanalakshmi)

..Petitioners

Vs

State Represented by
The Sub Inspector of Police,
T-14, Mangadu Police Station,
Chennai. Crime No. 1092/2019

..Respondent

Prayer: This Criminal Revision petition is filed under Section 438 r/w. 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No. 1059 of 2025 on the file of the Judicial Magistrate, Sriperumbudur and set aside the order dated 03.02.2026 by allowing this revision.

For Petitioners:

Mr.K.Balasubramaniam

For Respondent:

Mr.R.Kishore Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed to call for the records in C.C.No. 1059 of 2025 on the file of the Judicial Magistrate, Sriperumbudur and set aside the order dated 03.02.2026 by allowing this revision.

2. The learned counsel appearing for the petitioner would submit that the FIR against the petitioner was registered on 26.08.2019 under Sections 323,



324, 506(i) Indian Penal Code, 1860 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002. Among the above sections, the maximum punishment is prescribed under Section 324 of the Indian Penal Code, which provides punishment up to three years. In this connection, the learned counsel for the petitioner invited the attention of this Court to Section 468(2)(c) of the Code of Criminal Procedure (Cr.P.C.), 1973 wherein it has been specifically mentioned that if an offence is punishable with imprisonment for a term exceeding one year but not exceeding three years, the period of limitation is three years. In the present case, according to the seal found in the charge sheet, it is dated 13.11.2025.

3. The learned counsel for the petitioner further submitted that according to the e-filing entry, the filing date of the charge sheet was 28.10.2025. It is the submission of the learned counsel for the petitioner that in any case, the charge sheet was not filed before this Court within a period of three years. Therefore, the cognizance taken by the learned Magistrate on 03.02.2026 is contrary to Section 468(2)(c) of the Code of Criminal Procedure, 1973.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, submitted that though, as rightly contended by the learned counsel for the petitioner, the cognizance was taken on 03.02.2026,



he would invite the attention of this Court to Section 473 of the Code of Criminal Procedure and contended that notwithstanding anything contained in Chapter XXXVI, the Court may take cognizance of an offence even after the expiry of the period of limitation, if it is satisfied with the facts and circumstances of the case. Therefore, he submitted that though the learned Magistrate did not refer to Section 473 of Code of Criminal Procedure, he is still competent to exercise the power under Section 473 of Cr.P.C. Hence, he prayed that instead of allowing this application, the matter may be remitted back.

5. I have given anxious consideration to the submissions made on either side.

6. As rightly contended by the learned Government Advocate (Crl.Side), the learned Magistrate is competent to go into the question of condonation of delay by virtue of Section 473 of the Code of Criminal Procedure, 1973. On perusal of the charge sheet, as rightly submitted by the learned counsel for the petitioner, cognizance was taken on 03.02.2026, which is beyond the period of limitation provided under Section 468(2)(c) of the Code of Criminal Procedure.

7. At this juncture, the learned counsel for the petitioner fairly relied upon the judgment of this Court in ***Crl.R.C.No.2482 of 2025 dated 28.01.2026 in***



Thangavel and another vs. State represented by the Inspector of Police,

wherein this Court, instead of allowing the application, after setting aside the cognizance order, remitted the matter to the concerned Magistrate. To substantiate the above ground, the learned counsel for the petitioner also relied upon another judgment in the case of ***A.Kaliyaperumal vs. Superintendent of Police, Cuddalore, Cuddalore District reported in 2024 (2) CTC*** which lays down the same ratio.

8. In view of the above position of law, I am of the view that the cognizance taken by the Magistrate on 03.02.2026 in C.C.No.1059 of 2025 is liable to be set aside.

9. Accordingly, the Criminal Revision Case is ***allowed***. The case in C.C.No.1059 of 2025 dated 03.02.2026 on the file of the Judicial Magistrate, Sriperumbudur shall stand set aside. However, liberty is given to the respondent police to represent the final report along with a petition for condonation of delay, if so advised.

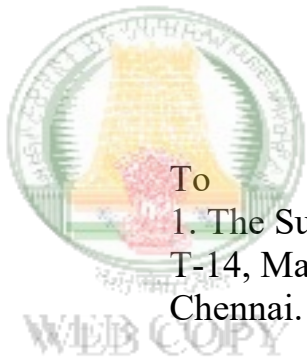
10-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NSL



To

1. The Sub Inspector of Police,
T-14, Mangadu Police Station,
Chennai.

2. The Judicial Magistrate, Sriperumbudur.

3. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

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