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CRL OP No. 6274 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6274 of 2026

AND

CRL MP NO. 4630 OF 2026

Sarvath Rafik
S/o.Ansary,
5, Keela Sengunthar Theru,
Mannargudi,
Tiruvarur District.

..Petitioner(s)

Vs

1. State rep by its The Sub-Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District.
Cr.No.285/2019
2. Chitrakalarani
Principal,
Mannai Rajagoapala Swami Arts Colleg,
V.O.C.Road, Mannargudi.

..Respondent(s)

CRL OP No. 6274 of 2026

To call for the records relating to the case in Crime No. 285/2019 on the files of the 1st respondent herein and quash the same as illegal and without jurisdiction and thus render justice.

CRL OP No. 6274 of 2026

For Petitioner(s):

I.Abdul Basith
K.Nizamuddin
Raj Mohamed
K.Mohammed Tajudeen
Navilan Sidharth
Aadhthiya



KST Vimal
Aditya
Mohamed Adil

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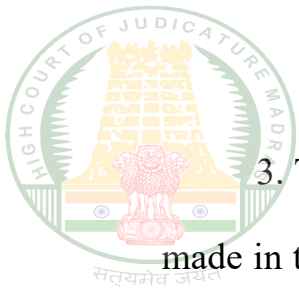
For Respondent(s):

Mr.Leonard Arul Joseph Selvam, Addl.Public
Prosecutor For R1
P.Thirupathi Raj-For R2

Order

This Criminal Original Petition has been filed to call for the records in Crime No.485 of 2019 on the file of the respondent police and to quash the same.

2. The petitioner is arrayed as an accused for the alleged offences under Sections 153, 505(i)(b) and 505(2) of the Indian Penal Code. The case of the prosecution, in brief, is that on 25.03.2019 at about 14.30 hours, the defacto complainant, namely, the Principal of Mannarkudi Rajagopal Swamy Government Arts College, lodged a complaint stating that the petitioner, who was then studying in the first year B.A. (English), at about 1.00 p.m., had intercepted students entering the college premises and, without obtaining permission, distributed certain handbills. It is alleged that the contents of the said handbills were provocative in nature, capable of creating enmity between different communities and likely to disturb public peace and harmony. Based on the said complaint, the present FIR came to be registered.

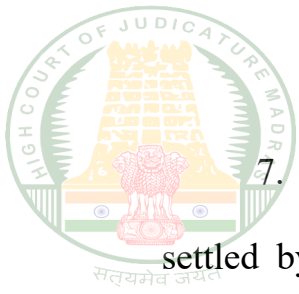


3. The learned counsel for the petitioner would submit that the allegations made in the complaint are vague and general in nature and no specific overt act has been attributed to the petitioner. Further, no material objects, namely the alleged handbills, have been produced by the prosecution to substantiate the accusation.

4. The learned counsel would further contend that the alleged offences are punishable with imprisonment up to two years and therefore, in terms of Section 468 Cr.P.C., the final report ought to have been filed within a period of three years. However, no charge sheet has been filed within the prescribed period and no petition has been filed under Section 473 Cr.P.C. seeking condonation of delay. Hence, the continuation of proceedings is barred by limitation.

5. Per contra, the learned Public Prosecutor submitted that though the FIR was registered on 25.03.2019, the charge sheet has been e-filed only on 24.02.2026, after the filing of the present petition on 18.02.2026, and fairly conceded that no petition under Section 473 Cr.P.C. has been filed.

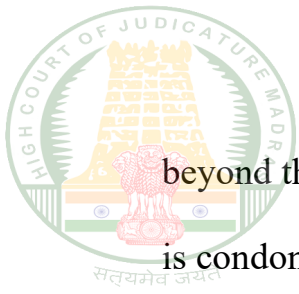
6. Heard the learned counsel appearing on either side and perused the materials available on record.



7. The scope of interference under Section 482 Cr.P.C. has been well settled by the Hon'ble Supreme Court in *State of Haryana v. Bhajan Lal*, reported in 1992 Supp (1) Scc 335, wherein illustrative categories have been laid down under which the High Court may exercise its inherent jurisdiction to quash criminal proceedings. One such category is where the allegations made in the FIR, even if taken at face value, do not disclose the commission of any offence or where the proceedings are manifestly attended with *mala fide* or instituted with ulterior motive.

8. In the present case, this Court finds that the complaint is bereft of specific particulars and no material has been produced to substantiate the allegations. The accusations are general in nature and do not prima facie satisfy the ingredients of the offences alleged. Insofar as the issue of limitation is concerned, it is not in dispute that the offences alleged are punishable with imprisonment up to two years and therefore the period of limitation prescribed under Section 468 Cr.P.C. is three years. Admittedly, the charge sheet has not been filed within the said period.

9. The Hon'ble Supreme Court in *Sarah Mathew v. Institute of Cardio Vascular Diseases and ors* reported in (2014) 2 SCC 62 has held that the relevant date for computing limitation is the date of filing of the complaint or institution of prosecution. However, in cases where the final report is filed



beyond the prescribed period, the Court cannot take cognizance unless the delay is condoned under Section 473 Cr.P.C.

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10. Further, in **State of Himachal Pradesh v. Tara Dutt**, reported in **(2000) 1 SCC 514**, the Hon'ble Supreme Court has held that in the absence of any application seeking condonation of delay under Section 473 Cr.P.C., the bar under Section 468 Cr.P.C. operates and the Court is precluded from taking cognizance.

11. In the present case, admittedly, no petition has been filed under Section 473 Cr.P.C. seeking condonation of delay. The charge sheet has been filed only after the petitioner approached this Court by filing the present quash petition. Therefore, the bar under Section 468 Cr.P.C. squarely applies. It is also relevant to note that the petitioner continued his studies in the same institution, completed his degree and is now employed. Keeping the criminal proceedings pending in such circumstances, particularly in violation of statutory limitation, would amount to abuse of process of law.

12. In view of the above, this Court is of the considered opinion that the present case falls within the parameters laid down in **Bhajan Lal** (*cited supra*) and continuation of the proceedings cannot be sustained.



13. Accordingly, this Criminal Original Petition stands **allowed** and the FIR in Crime No.485 of 2019 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

24-04-2026

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

JRS

To

1. The Sub-Inspector of Police,
Mannargudi Town Police Station,
Tiruvarur District.
Cr.No.285/2019
2. Chitrakalarani
Principal,
Mannai Rajagoapala Swami Arts College,
V.O.C.Road, Mannargudi.
3. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.

JRS

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