



WEB COPY



Crl.O.P.No.5450 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2026

CORAM:

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

Crl.O.P.No.5450 of 2026

and

Crl.M.P.Nos.4134 & 4136 of 2026

1. Pandiyan
 2. MSN Kumar
- ...Petitioners

Vs.

1. State of Tamil Nadu rep. by,
The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District, Tamil Nadu.
Crime No.378 of 2021.
 2. Ramesh,
Government Official Non-Gazetted,
No.74, VAO Office, Lalkhan Street,
Chidambaram, Cuddalore District,
Tamil Nadu.
- ...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for records in
STC.No.293 of 2024 on the file of the Judicial Magistrate II, Chidambaram
and quash the same as against the petitioners.

For Petitioners : Mr.M.Ragul Kousik

For Respondents : Mr.K.M.D.Muhilan, APP, for R1



Crl.O.P.No.5450 of 2026

WEB COPY

ORDER

This criminal original petition has been filed seeking to quash the proceedings in STC.No.293 of 2024, pending on the file of the Judicial Magistrate II, Chidambaram.

2. The case of the prosecution is that on 04.04.2021, the petitioners and others, belonging to a political party, organised an election campaign procession without obtaining prior permission, in a manner causing disturbance to the public, thereby, violating the Election code. Consequently, a case in Crime No.378 of 2021 was registered by the 1st respondent-police for the offences under Sections 143 & 188 of IPC and Sections 4AA1(a) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. After completion of investigation, the final report came to be filed before the Judicial Magistrate II, Chidambaram for the aforesaid offences and the same was taken on file in STC.No.293 of 2024, which is now sought to be quashed.

3.1 Learned counsel for the petitioners submitted that the maximum punishment prescribed for the abovesaid offences under Sections 143 & 188 of IPC is imprisonment which may extend to six months, or with



Crl.O.P.No.5450 of 2026

fine, or with both and for the offences under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, the maximum punishment may extend to one year imprisonment. Hence, the investigation ought to have been completed and the final report should have been filed within a period of one year from the date of registration of the FIR ie., 04.04.2021, as mandated under Section 468 Cr.P.C. However, the final report came to be filed only on 12.02.2024. Therefore, there is a clear bar for taking cognizance if it is filed beyond one year. Hence, the continuation of the proceedings against the petitioners is an abuse of process of law and therefore, the same is liable to be quashed.

3.2 He further submitted that the facts of the instant case are similar to the facts of the cases in *Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District* reported in (2018 2 LW (Crl) 606) and *Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others (Crl.O.P(MD) No.7922 of 2019, decided on 30.08.2019)*, in which the proceedings were quashed.



Crl.O.P.No.5450 of 2026

WEB COPY

4. Learned Additional Public Prosecutor appearing for the 1st respondent-police endorsed the aforesaid submission of the learned counsel for the petitioners that the facts of the instant case are akin to the facts in the aforesaid two cases and he fairly submitted that the final report was not filed within the limitation period.

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

6. That the case was registered on 04.04.2021 for the offences under Sections 143 & 188 of IPC and Sections 4AA1(a) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, that the maximum sentence for the aforesaid offences is one year and that the charge sheet therefor ought to have been filed within one year from the date of registration of the FIR as mandated under Section 468(2)(b) of Cr.P.C. are not in dispute. However, in the instant case, the final report has been filed only on 12.02.2024 and therefore, cognizance ought not to have been taken by the learned Magistrate.



Crl.O.P.No.5450 of 2026

7. Further, this Court is of the opinion that the above said decisions relied on by the learned counsel for the petitioners would apply on all fours to the present case and that no useful purpose will be served by keeping the proceedings in STC.No.293 of 2024, pending on the file of the Judicial Magistrate II, Chidambaram and the same is liable to be quashed.

8. Accordingly, this criminal original petition stands allowed and the impugned proceedings in STC.No.293 of 2024, pending on the file of the Judicial Magistrate II, Chidambaram, is hereby quashed as against the petitioners. Consequently, the connected Miscellaneous petitions are closed.

05.03.2026

skt

Neutral Citation: Yes/No

To

1. The Judicial Magistrate II,
Chidambaram.
2. The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District, Tamil Nadu.
3. The Public Prosecutor,
High Court of Madras.

5/6



WEB COPY



Crl.O.P.No.5450 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

Crl.O.P.No.5450 of 2026
and
Crl.M.P.Nos.4134 & 4136 of 2026

05.03.2026