



WEB COPY



CRL.O.P.No.7305 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7305 of 2026 and
CrI.M.P.No.5304 of 2026

1.T.N.Rajendran
2.R.Rakesh

... Petitioners

VS.

1.The State of Tamil Nadu,
Rep. by The Inspector of Police,
Mallasamudram Police Station,
Mallasamudram,
Namakkal District.
Crime No.73 of 2023.

2.D.Dhanasekar

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in FIR.No.73 of 2023 on the file of the 1st respondent Police and quash the same.

For Petitioners : Mr.K.Selvaraj

For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



CRL.O.P.No.7305 of 2026

respondent Police registered a case in Crime No.73 of 2023 for offence under Sections 294(b) & 323 IPC.

3.Learned counsel for the petitioners submitted that the punishment for offence under Section 294(b) IPC is for the term which may extend three years or fine or both and the punishment for the offence under Section 323 IPC is imprisonment for a term which may extend to one year with fine of Rs.1,000/-. Therefore, the maximum punishment for the above said offences is only one year. He further submitted that as per Section 468 of Cr.P.C., no Court shall take cognizance of an offence of the category specified in sub-Section 2 after the expiry of the period of limitation. The period of limitation shall be (a)six months if the offence is punishable with fine only and (b)one year if the offence is punishable with imprisonment for a term not exceeding one year. As per the prosecution case, the alleged offences are Sections 294(b) and 323 IPC and the punishment does not exceed one year for the above said offences. Hence, the period of limitation for taking cognizance is only one year for the above said alleged offence.



CRL.O.P.No.7305 of 2026

WEB COPY

4.He further submitted that the FIR in this case was registered on 06.06.2023, but till date the charge sheet not filed and the Court has not taken cognizance of the offences till date. Hence, the provision of Section 468 of Cr.P.C. is applicable to the present case and there is bar for taking cognizance of the offences. He further submitted that the petitioners are innocent and they have not committed any of the alleged offences and that it is a land grabbing attempt made by the 2nd respondent on behalf of his owner Balamurugan. No such occurrence as alleged by the respondents taken place. In view of the above, the FIR is liable to be quashed.

5.Learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that the 2nd respondent was instructed by his owner Balamurugan to fence the property. When he had gone to fence the property, one Satheeskumar, who had already been informed by Balamurugan to fence the property, was carrying out the fencing work with about 10 people. At that time, TNR petrol bunk owner the 1st petitioner and his son/2nd petitioner stabbed the 2nd respondent on his



CRL.O.P.No.7305 of 2026

chest and neck alternately. Then they scolded the 2nd respondent with filthy language. The 2nd respondent escaped and informed the happening to his owner Balamurugan and got admitted in the Salem Government Hospital for treatment. Hence, he prayed for dismissal of the petition.

6.Considering the submissions and on perusal of the materials, it is seen that in this case, the occurred took place on 05.06.2023 and the FIR registered on the next day on 06.06.2023. It is not in dispute that till date charge sheet not filed before the Court below.

7.The offence under Section 294(b) IPC is punishable with six months imprisonment. The offence under Section 323 IPC is punishable with maximum imprisonment of one year. In view of the same, the final report ought to have been filed within one year as provided under Section 468 of Cr.PC. Till date, the final report has not been filed. Considering the allegations made in the FIR, no useful purpose will be served in keeping the FIR pending.



CRL.O.P.No.7305 of 2026

WEB COPY

8.In the result, this Criminal Original Petition is allowed and the FIR in Crime No.73 of 2023 dated 06.06.2023 on the file of the 1st respondent Police is hereby quashed against the petitioners. Consequently, connected Criminal Miscellaneous Petition is closed.

24.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
vv2

To

1.The Inspector of Police,
Mallasamudram Police Station,
Mallasamudram,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



CRL.O.P.No.7305 of 2026

M.NIRMAL KUMAR, J.

vv2

CRL.O.P.No.7305 of 2026

24.03.2026