



WEB COPY



Crl.O.P.(MD) No.6328 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2026

CORAM:

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

Crl.O.P.(MD) No.6328 of 2026

and

Crl.M.P.(MD) Nos.6857 & 6858 of 2026

Sadhan Prabhakaran

...Petitioners

Vs.

1. The State Tamil Nadu rep. through
The Sub Inspector of Police,
Emaneeswaram Police Station,
Ramanathapuram District.
2. P.Muthukumar,
Special Tahsildar, (City Tax Plan),
Taluk Office, Paramakudi,
209, Paramakudi Assembly Constituency,
Flying Squad (A1).
(Crime No.77 of 2021)

...Respondents

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records in
STC.No.104 of 2026 on the file of the Judicial Magistrate No.I,
Ramanathapuram and quash the same as against the petitioner.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.S.Udayakumar, GA(Crl. Side), for R1



Crl.O.P.(MD) No.6328 of 2026

ORDER

WEB COPY

This criminal original petition has been filed seeking to quash the proceedings pending against the petitioner in STC.No.104 of 2026, on the file of the Judicial Magistrate Court No.1, Ramanathapuram.

2. Based on a complaint lodged by the 2nd respondent/de facto complainant alleging that on 20.03.2021, the petitioner along with others, who are the members of a political party, assembled unlawfully without obtaining prior permission and were canvassing using loudspeakers and party symbols and flags, at S.Andakudi village after the time prescribed by the Election Commission fixed for canvassing, a case in Crime No.77 of 2021 was registered on 21.03.2021 as against the petitioner and others for the offences under Sections 4AA(1b) and 4AA(4) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1956 and Section 171(C) of IPC. Following the completion of the investigation, the final report was filed on 08.04.2023 before the Judicial Magistrate, Paramakudi, for the aforesaid offences. The case was subsequently transferred to the file of the Judicial Magistrate I, Ramanathapuram, and taken on file as STC No. 104 of 2026, which is now sought to be quashed.



Crl.O.P.(MD) No.6328 of 2026

3. Learned counsel for the petitioners submitted that the maximum punishment prescribed for the aforesaid offences is imprisonment which may extend to one year, or with fine, or with both. In respect of the aforesaid offences, the investigation ought to have been completed and the final report should have been 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. However, in this case, the final report was filed only in the year 2023, which is beyond the period of limitation. Admittedly, in this case, no application has been filed seeking condonation of delay in filing the final report. Hence, the continuation of the proceedings against the petitioner is an abuse of process of law. Therefore, he prayed to quash the impugned proceedings pending against the petitioner and other accused persons.

4. Learned Government Advocate (Crl. Side) appearing for the 1st respondent-police, on instructions, submitted that based on the complaint given by the 2nd respondent, the present case came to be registered on 21.03.2021. He further fairly submitted that the final report was filed only on 08.04.2023, which is after the limitation period prescribed under Section 468 of Cr.P.C.



Crl.O.P.(MD) No.6328 of 2026

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

6. For the abovesaid punishment, 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, concededly the final report has not been filed within the period of one year since the registration of the FIR and therefore, cognizance ought not to 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 and the same is liable to be quashed.

8. Accordingly, this criminal original petition stands allowed and the impugned proceedings pending in STC.No.104 of 2026, on the file of the Judicial Magistrate Court No.I, Ramanathapuram, is hereby quashed in entirety. Consequently, the connected miscellaneous petitions are closed.

02.04.2026

Neutral Citation: Yes/No
SHA
4/6



WEB COPY



Crl.O.P.(MD) No.6328 of 2026

To:

1. The Judicial Magistrate No.I,
Ramanathapuram.
2. The Sub Inspector of Police,
Emaneeswaram Police Station,
Ramanathapuram District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.(MD) No.6328 of 2026

A.D.JAGADISH CHANDIRA, J.

SHA

Crl.O.P.(MD) No.6328 of 2026
and
Crl.M.P.(MD) Nos.6857 & 6858 of 2026

02.04.2026