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CRL OP No. 10746 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 10746 of 2026

and

CrI.MP.No.7604 of 2026

Ranjith
S/o. Kanagaraj,
Ottupallam, Veerakkal Village,
Mettur Taluk, Salem District.

..Petitioner(s)

Vs

1. State, The Inspector of Police
Tharamangalam Police Station,
Salem District.
Cr. No.130/2021 dt 05-03-2021, offences
punishable U/s 279, 337 and 304A IPC)

2. Venkatesh
S/o. Rangaraj,
Bharathi Nagar,
Seelanayakkanpatti Bypass,
Salem, Salem District.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 BNSS, 2023 to call for records and quash the FIR in Crime No.130 of 2021 dated 05-03-2021 on the file of the Inspector of Police, Tharamangalam Police Station, Salem for Offences Punishable U/s. 279, 337 and 304 A IPC and thus render justice.

For Petitioner(s): Mr.A.Ashok Kumar

For Respondent(s): Mr. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PUBLIC PROSECUTOR for R1



ORDER

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The petitioner/A1 in Crime No.130 of 2021 for offences under Sections 279, 337 & 304A of the Indian Penal Code filed this quash petition.

2. The case of the prosecution is that on 05.03.2021 at about 11.30 a.m. the accused, while driving an Indica car bearing registration No.TN-52-V-4456 in a rash and negligent manner on the Salem to Tharamangalam Main Road within Salem District, allegedly dashed against a Yamaha Ray two-wheeler bearing Registration No.TN-54-H-0511 on which two persons were travelling, as a result of which one of the riders, namely Govindammal, aged about 65 years at that time of the occurrence, sustained fatal injuries and died and the other rider sustained injuries and was taken to the hospital for treatment, and based on the complaint lodged by the defacto complainant, the respondent police registered crime No.130 of 2021 for offences under Sections 279, 337 and 304-A and took up investigation.

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.



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 05.03.2021, the charge sheet has been filed after the statutory period of limitation 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.



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8. In the present case, this Court finds that 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.

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.

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.130 of 2021 on the file of the first respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

28-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sms

To

1. State, The Inspector of Police
Tharamangalam Police Station,
Salem District.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR, J.

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