



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14313 of 2026

and

CrL.MP.No.9179 of 2026

Lokeshwaran
S/o.Chandran,
No.11, Nethaji Street, Nandavanamettur,
Avadi, Chennai - 600054.

..Petitioner(s)

Vs

State represented by,
The Sub-Inspector of police,
Tank Factory Police Station,
Avadi City.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records and quash the FIR in Crime No.331 of 2024 on the file of the respondent police station and thus render justice.

For Petitioner(s): Mr.A.M.Rahamath Ali

For Respondent(s): Mr.R. RAJASEKARAN
Counsel for Government of Tamil Nadu
(CRL. SIDE)

ORDER

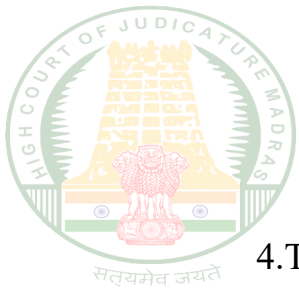
The petitioner /accused in crime No.331 of 2024 for offences under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act, 1985 and 24(1) of Cigarette and other Tobacco Products Acts 2003 filed this quash petition.



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2.The case against the petitioner is that the Chief General Manager, Heavy Vehicles Factory, Avadi, sent a complaint against the petitioner possessing banned items inside the Factory premises. The defacto complainant assigned as orderly officer on 18.05.2024 and received a call from the security Section regarding rigorous check of an employee at 11.35 hours held as suspicious. Thereafter, the defacto complainant reached the spot. After preliminary enquiry, the employee was identified as C.Lokeshwaran, UDC of General Stores Section and the petitioner was found to have cigarette packets (One unsealed), Lighter and Hans (open packet), one small packet with seeds (like coriander seeds), Second packet with cuts of dried leaves and third packet with white powder rest of the items seized were his personal belonging like ID Card, Purse, Lunch Box etc., were seized. After security officer's arrival, complaint lodged.

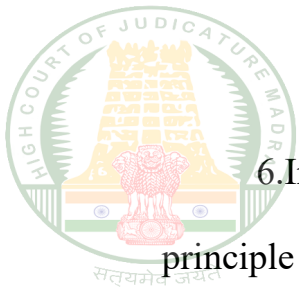
3.The contention of the petitioner is that the case registered under Sections 8(c) and 20(b)(ii)(A) of Narcotic Drugs & Psychotropic Substances Act, 1985 and 24(1) of Cigarette and other Tobacco Products Acts 2003. In this case, though FIR has been registered on 18.05.2024, till the date of filing of the quash petition dated 01.06.2026, no charge sheet has been filed. Hence, the case is hit by limitation and no charge sheet thereafter can be filed in view of Section 187(9) of BNSS.



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4.The learned counsel for Government of Tamil Nadu today filed his counter and submitted that the case was registered on 18.05.2024 and thereafter, the statement of the defacto complaint recorded and from the petitioner, one packet of Hans, one small packet containing seeds and one small packet of Jiggery coloured powder recovered and on 18.05.2024, the petitioner arrested and his confession recorded. On 31.12.2024, the contrabands were sent to the Forensic Science Lab, Chennai, and report was received on 19.01.2026. Now, charge sheet has been filed on 17.06.2026 and the same was taken on file in STC No.1947 of 2026 and the case was posted for next hearing on 24.06.2026.

5.From the counter, it is seen that the charge sheet has been filed after this Court, on 08.06.2026 recorded that the maximum punishment prescribed is one year and FIR was registered on 18.05.2024. Hence, final report is yet to be filed and it is barred by limitation under Section 5(1)(4) of BNSS. Thereafter, to circumvent the same, now it is projected that charge sheet filed on 17.06.2026. The respondent police had not shown any material to show that there has been a petition to condone the delay in the investigation and delay was also accepted by the trial Court.



6. In view of no condonation, there is a clear bar, hence, it is hit by the principle laid down in the judgment in *Sarah Mathew v. Institute of Cardio Vascular Diseases and ors reported in (2014) 2 SCC 62*, wherein, it was 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.

7. Accordingly, this Criminal Original Petition stands allowed and the FIR in Crime No.331 of 2024 on the file of the respondent police is hereby quashed. Consequently, connected miscellaneous petition is closed.

24-06-2026

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

To

1. The Sub-Inspector of police,
Tank Factory Police Station,
Avadi City.
2. The Public Prosecutor
High Court, Madras.



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CRL OP No. 14313 of 2



M.NIRMAL KUMAR, J.

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