



Crl.O.P. No. 14559 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2026

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THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 14559 of 2026

&

Crl.M.P. Nos. 9326 & 9328 of 2026

V. Eswaran @ Eshwar Venkateswaran

..Petitioner

Vs.

1. State by:
The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam,
Chennai – 600 089.

2. V. Manoharan

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records in STC No. 02 of 2025 on the file of the learned Judicial Magistrate No.I at Alandur and quash the proceedings as against the petitioner.

For Petitioner

::

Mr.A. Nagarajan



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For Respondents ::

Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu
(Crl.Side) for R1

O R D E R

The petitioner/accused, who is facing trial in STC No. 02 of 2025 on the file of learned Judicial Magistrate No.1, Alandur for the offence under Section 289 IPC has filed this quash application.

2. The case against the petitioner is that the de facto complainant and the petitioner are both residing in the same apartment; the de facto complainant's wife, by name, Sankari, is a diabetic patient. Hence, on the advice of Doctor, she was regularly going for morning walk. On 21.06.2022, at about 7a.m., when the said Sankari was proceeding for her morning walk, the petitioner, who came in his car, stopped his car close to her and from the car, a black dog without tail jumped out of it and charged towards the petitioner's wife due to which she fell down and sustained injuries. As the petitioner did not take any steps to control his dog, due to which the de facto complainant's wife sustained injuries, the complaint came to be lodged. After completion of investigation, charge sheet was filed listing 7 witnesses.



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3. The contention of the learned counsel for the petitioner is that from the admitted facts of the case, it could be seen that it was only an accidental incident where the petitioner's dog had jumped out of the car and the petitioner cannot be found fault with. It is not the case of the de facto complainant that the petitioner had let loose his dog on the de facto complainant's wife. Further, it is not a case of dog bite and the de facto complainant's wife had fallen down on her own when the petitioner's dog ran towards her. He would further submit that apart from merits, legally, the complaint is not sustainable. Besides, the charge sheet has been filed on 08.08.2024, 2 years after the alleged offence, beyond the period of limitation stipulated under Section 468 Cr.P.C. Moreover, the maximum punishment for the offence alleged is only 6 months or fine which may extend upto Rs.1000 or both. Hence, he prayed to quash the proceedings.

4. Learned Government Counsel(Crl.Side) submitted that in this case the de facto complainant and the petitioner are residents of the same apartment and the wife of the de facto complainant is a diabetic



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patient, who was in the habit of going for morning walks. On the date of occurrence, when she was about to proceed for her morning walk, the petitioner had stopped his car near her and the petitioner's dog had jumped out of the car and charged towards her, due to which, she fell down and sustained injuries. On the complaint lodged, investigation was done and charge sheet filed. Learned Government Counsel (Crl.Side) would fairly submit that though the occurrence had taken place on 21.06.2022 and the FIR was registered on 30.06.2022, the charge sheet was filed only on 08.08.2024. The maximum punishment for the offence under Section 289 IPC is 6 months or a fine of Rs.1000 or both. He would also submit that there was no petition filed seeking condonation of delay as contemplated under Section 473vCr.P.C.

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

6. The Hon'ble Supreme Court in ***Sarah Mathew v. Institute of Cardio Vascular Diseases rep. by its Director K.M. Cherian 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



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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. 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 on 08.08.2024, 2 years after the alleged offence, beyond the period of limitation stipulated under Section 468 Cr.P.C. Therefore, the bar under Section 468 Cr.P.C. squarely applies. Keeping the criminal proceedings pending in such circumstances, particularly in violation of statutory limitation, would amount to abuse of process of law.

8. In view of the above, this Court is of the considered opinion that the continuation of the proceedings cannot be sustained. Accordingly, the proceedings in STC. No. 02 of 2025 on the file of Judicial Magistrate No.I, Alandur are quashed and the criminal original petition is allowed. Connected Crl.M.Ps are closed.

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M. NIRMAL KUMAR,J.

nv

TO

1. The Judicial Magistrate No.I, Alandur.
2. The Inspector of Police,
S-4, Nandambakkam Police Station,
Nandambakkam,
Chennai – 600 089.
3. The Public Prosecutor, High Court,
Madras.

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