



Crl.O.P. No.35250 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM:

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

Crl.O.P. No.35250 of 2025

and

Crl.M.P.No.24800 of 2025

1. Krishnamoorthi

2. Tamilselvi

... Petitioners

Vs.

1. The state rep by
The Inspector of police
Perambalur Police station,
Perambalur District.
(Crime No.32 of 2016)

2.Venkatesan.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records and quash the FIR in Crime No.32 of 2016 on the file of the 1st respondent police.

For Petitioners : Mr.J.Franklin

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.32 of 2016, pending on the file of the first respondent Police.

2. The case of the prosecution is that the 1st petitioner and the de facto complainant are brothers. It is alleged that the 1st petitioner, out of the income from joint family properties, purchased properties worth about Rs.10 crores in the name of the 2nd petitioner and is also in possession of assets worth several crores of rupees. When the de facto complainant claimed his share in the said properties, the same was refused by the petitioners. It is further alleged that on 17.07.2015, the petitioners, along with five unknown persons, came to the house of the de facto complainant, abused him in filthy language, assaulted him with an iron rod and caused damage to the tune of Rs.1 lakh. Therefore, a case in Crime No.32 of 2016 was registered by the respondent Police for the offences under Sections 294(b), 324, 355, 506(i), 147 and 148 of IPC read with provisions of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act.

3. Learned counsel appearing for the petitioners submitted that there exists a civil dispute between the petitioners and the de facto



complainant and that the case has been falsely foisted against them. He further submitted that after enquiry, the respondent police found the allegations to be false and did not take steps to file the final report.

4. Learned counsel appearing for the petitioners invited the attention of this Court to the maximum punishment prescribed for the aforesaid offences which are tabulated hereunder:

Sections	Punishment
294(b) IPC	Fine of 1,000 rupees.
324 IPC	Imprisonment for 3 years, or fine, or both
355 IPC	Imprisonment for 2 years, or fine, or both
506(i) IPC	Imprisonment for 2 years, or fine, or both
147 IPC	Imprisonment for 2 years, or fine, or both
148 IPC	Imprisonment for 3 years, or fine, or both

Hence, according to the learned counsel, the investigation ought to have been completed and the final report filed within **three years** 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 **three years**.



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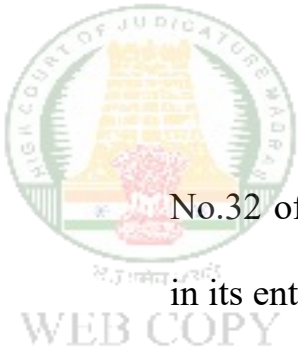
5. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the investigation in this case has been completed and the charge sheet is yet to be filed before the learned jurisdictional Magistrate.

6. Heard both sides and perused the materials available on record.

7. For the punishments set out in paragraph 4 supra, the final report ought to have been filed within **three years** from the date of registration of the FIR, as per Section 468(1)(2)(c) of Cr.P.C. However, in the instant case, the final report has not been filed even as on date and therefore, cognizance cannot be taken.

8. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the First Information Report pending.

9. Accordingly, the Criminal Original Petition stands allowed and the First Information Report pending against the accused in Crime



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No.32 of 2016, on the file of the first respondent Police, is hereby quashed
in its entirety.

06.01.2026

Neutral Citation: Yes/No
rpl

To

1. The Inspector of police
Perambalur Police station,
Perambalur District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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