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CRL OP No. 2042 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

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

CRL OP No. 2042 of 2026

Muthu

..Petitioner(s)

Vs

The State represented by

The Inspector of Police

S-8 Admbakkam Police Station,

Chennai 600 088.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records relating to Crime No.478 of 2019 on the file of the respondent and quash the same.

For Petitioner(s):

Mr.A.Arun Kumar

For Respondent(s):

Mr.S.Santhosh

Government Advocate (Crl.Side) for R1

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.478 of 2019 on the file of the respondent.



2. The submissions of the learned counsel appearing for the petitioner are as follows:-

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2.1. The case in Crime No.478 of 2019 was registered on 26.08.2019 against the petitioner and 19 others for offences under Sections 341, 143 and 145 of IPC. It is alleged that during the period when the prohibitory order under Section 144 Cr.P.C. was in force, the petitioner, without following the regulations of COVID-19 safety protocols and without obtaining prior permission, unlawfully assembled and conducted a protest.

2.2. The maximum punishment prescribed for the aforesaid offences are tabulated hereunder:

Sections	Punishment
143 IPC	Imprisonment may extend to six months, or with fine, or with both
341 IPC	Imprisonment may extend to one month or with fine which may extend to Rs.500/- or with both
145 IPC	Imprisonment may extend to two years or with fine, or with both

2.3. Hence, 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.



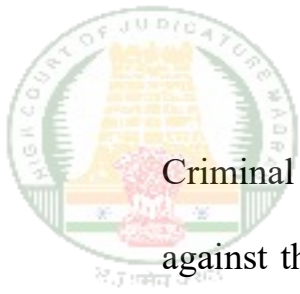
2.4. Since the final report was not filed even after the expiry of three years, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the proceedings against the petitioners is an abuse of process of law and hence, the same is liable to be quashed.

3. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the final report has been filed and the same has been taken cognizance of on the file of the Judicial Magistrate No.II, Alandur, in C.C.No.11 of 2026.

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

5. For the punishments set out in paragraph 2.2. supra, the final report ought to have been filed within **three years** from the date of registration of the FIR, as per Section **468(2)(c)** of Cr.P.C. However, in the instant case, the final report has not been filed within the period of **three years** as could be seen from the year of calender case and therefore, cognizance cannot be taken.

6. In view of the above, this Court is of the opinion that no useful purpose would be served by keeping the criminal proceedings pending against the petitioner in connection with Crime No.478 of 2019. Accordingly, the



Criminal Original Petition stands allowed and all further proceedings pending against the petitioner pursuant to the FIR in Crime No.478 of 2019 which has now culminated into C.C.No.11 of 2026 on the file of the Judicial Magistrate No.II, Alandur, are hereby quashed in their entirety.

02-02-2026

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

VKR

To

- 1.The Judicial Magistrate No.II, Alandur.
- 2.The Inspector of Police
S-8 Admbakkam Police Station,
Chennai 600 088.
- 3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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