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CrI.O.P.No.34825 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM:

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

CrI.O.P.No.34825 of 2025
and CrI.M.P.No.24432 of 2025

1. Muthukumar
2. Ayyammal

... Petitioners

Vs.

1. State rep. By The Inspector of Police,
Poolampatty Police Station, Salem District.

2. Rajamani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS to direct the respondent Police to call for the records in connection with Crime No.113 of 2016 on the file of the Poolampatty Police Station, Salem District/ 1st Respondent.

For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side) – R1

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report against the petitioners in Crime No.113 of 2016, on the file of the first respondent Police.



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

2.1. The case in Crime No.113 of 2016 was registered on 10.04.2016 against the petitioners initially for the offences under Sections 294(b), 323, 324 and 502(ii) I.P.C. and thereafter, the same was altered to one under Sections 294(b), 323 and 324 I.P.C, for assaulting the 2nd respondent and also threatening her husband and causing injury.

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

Sections	Punishment
294(b) IPC	Imprisonment may extend to three (3)months, or with fine, or with both
323 IPC	Imprisonment may extend to one (1) year or fine of Rs.1,000/- or with both
324 IPC	Imprisonment may extend to three (3) years, or with fine, or with both.

2.3. Hence, the investigation ought to have been completed and the final report filed within a period of **three years** from the date of registration of the F.I.R, 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



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three years, the learned Magistrate is barred from taking cognizance. Hence, the continuation of the impugned 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 1st respondent Police submitted that the 1st respondent police have initially registered the case for offences under sections 294(b), 323, 324 and 502(ii) I.P.C., and thereafter, the same was altered to one under Sections 294(b), 323 and 324 I.P.C. However, he would fairly concede that the final report has not been filed till date.

4. Heard both sides 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 a period of **three (3) years** from the date of registration of the F.I.R, as per Section **468(2)(c)** of Cr.P.C. However, in the instant case, the final report has not been filed till date 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 First Information Report pending. Accordingly, the Criminal Original Petition stands allowed and the First



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A.D.JAGADISH CHANDIRA, J.

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Information Report pending against the accused in Crime No.113 of 2016,
on the file of the 1st respondent Police, is hereby quashed in its entirety.
Consequently, the connected miscellaneous petition is closed.

02.01.2026

Index: Yes / No

Neutral Citation: Yes/No

To

1.The Inspector of Police
Poolampatty Police Station
Salem District

2.The Public Prosecutor
High Court of Madras
Chennai 600 104

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