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Crl.O.P.No.35292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM:

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

Crl.O.P.No.35292 of 2025
and Crl.M.P.No.24835 of 2025

D.Kamalakannan

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District – 631 702.

2. Gopal

... 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 in First Information Report No.243 of 2022 pending on the file of the first respondent Police and quash the same.

For Petitioner : Mr.T.Balaji

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

ORDER

The present Criminal Original Petition has been filed seeking to quash the First Information Report against the petitioner in Crime No.243 of 2022, on the file of the first respondent Police.



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2. Based on the complaint given by the second respondent,

Gopal, who was the then Panchayat Secretary at the Karanthai Panchayat Office, alleging that during the Grama Sabha meeting held on 01.05.2022, the petitioner abused and intimidated him and deterred him from discharging his official duties, a case in Crime No.243 of 2022 was registered on 02.05.2022 against the petitioner for the offences under Sections 294(b), 353 & 506(i) of IPC, which is now sought to be quashed.

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

3.1. The petitioner, who is a person with a disability, is a law student and a social worker working for the development and welfare of his village, Karanthai, Tiruvannamalai District.

3.2. On 01.05.2022, at the Grama Sabha Meeting held in his village, the petitioner participated and raised various questions before the public regarding the functioning of the Panchayat Office, due to which an assault was made on the petitioner. Pursuant to the same, a case in Crime No. 244 of 2022 was also registered. However, in order to take revenge on the petitioner, a false case was lodged against him on 02.05.2022 based on the complaint given by the Panchayat Secretary, for the offences under Sections 294(b), 353 & 506(i) of IPC.



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3.3. The maximum punishment prescribed for the aforesaid

offences are tabulated hereunder:

Sections	Punishment
294(b) IPC	Imprisonment may extend to three months, or with fine, or with both
353 IPC	Imprisonment may extend to two years or with fine or with both
506(i) IPC	Imprisonment may extend to two years or with fine or with both

3.4. 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.

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

4. Learned Government Advocate (Criminal Side) appearing for the first respondent police submitted that the investigation in this case has been completed and the charge sheet is yet to be filed before the jurisdictional Magistrate.



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

6. For the punishments set out in paragraph 3.3. 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 though the period of three years has lapsed since the registration of the FIR and therefore, cognizance cannot be taken.

7. 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 Information Report pending against the petitioner in Crime No.243 of 2022, on the file of the first respondent police, is hereby quashed. Consequently, the connected miscellaneous petition is closed.

05.01.2026

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Neutral Citation: Yes/No

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- To
1. The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District.
 2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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