



Crl.O.P.No.278 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM:

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

Crl.O.P.No.278 of 2026
and Crl.M.P.No.209 of 2026

1. Thangadurai
 2. Sathishkumar
- ... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(Crime No.410 of 2022)

2. Raju
- ... 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 of the case pending investigation in Crime No.410 of 2022 on the file of the first respondent police and quash the same.

For Petitioners : Mr.T.Dhasarathan

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



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ORDER

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The present Criminal Original Petition has been filed seeking to quash the First Information Report against the petitioner in Crime No.410 of 2022, on the file of the first respondent Police.

2. Based on the complaint lodged by the second respondent, Village Administrative Officer, the aforesaid case in Crime No.410 of 2022 was registered on 26.10.2022 for the offence under Section 379 of IPC, for illegally transporting three units of gravel sand.

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

3.1. The case in Crime No.410 of 2022 was registered against the petitioner on 26.10.2022. The maximum punishment prescribed for the aforesaid offence is tabulated hereunder:

Sections	Punishment
379 IPC	Imprisonment may extend to three years, or with fine or with both

3.2. 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.

3.4. Since the final report has not been filed within 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, the charge sheet has also been e-filed today before the learned Judicial Magistrate, Rasipuram, which is yet to be taken on file. He fairly admitted that there is a delay.

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

6. For the punishment set out in paragraph 3.1, 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 been filed after the period of three years has



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elapsed 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 impugned First Information Report pending. Accordingly, the Criminal Original Petition stands allowed and the First Information Report pending against the petitioner in Crime No.410 of 2022, on the file of the first respondent police, is hereby quashed. Consequently, the connected miscellaneous petition is also closed.

09.01.2026

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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