



Crl. O.P.(MD) No.6275 of 2026,

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD).No.6275 of 2026
and
Crl.M.P(MD)Nos.6804 and 6805 of 2026

Samsudeen

... Petitioner

- Vs. -

1. State of Tamilnadu Rep by,
The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
Crime No.262 of 2018.

2. Sivalingam

.. Respondents

Prayer : To call for the records pertaining to the case in C.C.No.538 of 2025 on the file of Judicial Magistrate, Thiruchendur and Quash the same as illegal in so far as the petitioner is concerned.

For Petitioner :Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For R1 : Mr.RMeenakshi Sundaram
Additional Public Prosecutor



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ORDER

The present Criminal Original Petition has been filed by the petitioner/sole accused in C.C.No.538 of 2025 on the file of learned Judicial Magistrate Court, Thiruchendur, seeking to quash the charge sheet wherein the petitioner has been charged for the offence under Section 505(2) of IPC.

2. A perusal of the charge sheet reveals that the petitioner has uploaded Facebook post attacking the sentiments of the other community. The FIR has been registered on 21.11.2018 and charge sheet has been laid on 19.08.2025.

3. According to the learned counsel appearing for the petitioner, the maximum punishment that could be imposed for the offence under Section 505(2) of IPC is three years. However, the charge sheet has not been laid within a period of three years and no application was filed by the investigating agency under Section 473 of Cr.P.C seeking extension



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of time. In such circumstances, charge sheet is liable to be quashed.

4. Learned Additional Public Prosecutor appearing for the first respondent submitted that the charge sheet has not been laid within a period of three years.

5. Heard the learned counsel appearing on both side and perused the materials available on record.

6. The petitioner has charged with the offence under Sections 505(2) of IPC and FIR has been registered on 21.11.2018 and charge sheet has been laid on 19.08.2025. The maximum punishment that could be imposed for the offence under Section 505(2) of IPC is three years. As per Section 468(2)(c) of Cr.P.C, charge sheet has to be laid within a period of three years. In the present case, admittedly, no application has been filed by the prosecution under Section 473 of Cr.P.C for extension of time.



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7. In such view of the matter, it is clear that the Court cannot take cognizance of this matter beyond three years which is barred by limitation. In such view of the matter if the trial is permitted to continue, it will be only an abuse of process of law.

8. In view of the above said facts, the charge sheet in C.C.No.538 of 2025 on the file of the learned Judicial Magistrate, Thiruchendur, is hereby quashed. Consequently, the Criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

30.03.2026

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

PJL



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To

1. The Judicial Magistrate,
Thiruchendur.
2. The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

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