



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.9011 of 2026

and

Crl.M.P(MD)No.9575 of 2026

Rajiv @ Rajiv Gandhi

...Petitioner/Accused No.12

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
(Cr.No.438 of 2023)

...1st Respondent/Complainant

2. D.Ravi

...2nd Respondent /Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records pertaining to Cr.No.438 of 2023 dated 17.09.2023 on the file of the 1st respondent police and quash the same in so far as this petitioner is concern.

For Petitioner : M/s.K.Palmurugan

For Respondents : M/s.N.Balasubramanian
Counsel for State of TN(crl.side) for R1



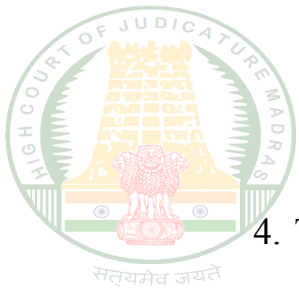
ORDER

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The present petition has been filed by the 12th accused in crime No.438 of 2023, on the file of the first respondent police seeking to quash the FIR wherein the petitioner is alleged to have committed offences under Sections 143, 341 and 151 of IPC.

2. A perusal of the F.I.R reveals that 46 persons along with the petitioner are said to have shown Black Flag and protested as against the Hon'ble Governor of Tamil Nadu and they were arrested on 17.09.2023 at about 2.30 p.m.

3. The learned Counsel appearing for the petitioner submits that the maximum punishment for an offence under Section 143 of IPC is 6 months and the maximum punishment for an offence under Section 341 is one month. He further submits that the maximum punishment for an offence under Section 151 is 6 months. According to him, so far, the charge sheet has not been laid and therefore, the Court has no jurisdiction to take cognizance in view of the bar of limitation.



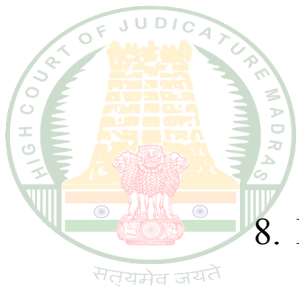
4. The learned Counsel for State of TN(crl.side) appearing for the first respondent submits that the charge sheet has been laid online on 01.06.2026.

Therefore, it is clear that the charge sheet has been laid only now.

5. I have considered the submissions made on either side and perused the materials available on record.

6. In view of the fact that the maximum punishment for the Sections 143, 341 and 151 of IPC is 6 months and therefore, as contemplated under Section 468(2)(b), the Court has to take cognizance within a period of one year. In the present case, the charge sheet is said to have been laid only after a period of three years and in such circumstances, it is clear that the Court could not take any cognizance in view of the bar of limitation and the continuation of the criminal proceedings would only be an abuse process of law.

7. In view of the above said facts, FIR in crime No.438 of 2023, on the file of the first respondent police stands quashed not only as against the petitioner but also as against the other accused persons in view of the fact that they stand on the same footing.



8. In view of the above said facts, the charge sheet in crime No.438 of 2023 is quashed as against the petitioner as well as other accused persons in crime No.438 of 2023 on the file of the first respondent police.

9. With the above said observations, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is also closed.

02.06.2026

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

To

The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.

Copy to:-

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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