



CRL OP(MD). No.18 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/01/2026

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.18 of 2025

and

CRL MP(MD)No.36 of 2025

1.K.Sathaiya

2.K.Anburaja

... Petitioners / Accused Nos.1 and 2

Vs

1.The State of Tamilnadu through
the Inspector of Police,
Arimalam Police Station,
Pudukottai District.

Crime No.121 of 2020

... 1st Respondent / Complainant

2. A.Senthilkumar

... 2nd Respondent / Defacto complainant

PRAYER :-

To call for the records pertaining to the Impugned First Information Report in Crime No.121 of 2020 dated 24.04.2020 on the file of the Respondent No.1 registered U/S. 504 of Indian Penal Code and 67 of Information Technology Act, 2000 and quash the same as illegal as far as the petitioners are concerned.

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondent : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition is filed to call for the records pertaining to the Impugned First Information Report in Crime No.121 of 2020 dated 24.04.2020 on the file of the Respondent No.1 registered U/S. 504 of Indian Penal Code and 67 of Information Technology Act, 2000 and quash the same as illegal as far as the petitioners are concerned.

2. The case of the prosecution is that the defacto complainant had made a complaint on 24.04.2020 before the first respondent stating that one Ilayaraja had uploaded a post with abusive terms against DMK leaders and the petitioners have also commented in the said Facebook post. The defacto complainant being offended by the derogatory Facebook post which was commented by the petitioners, lodged a complaint. A case in Crime No.121 of 2020 was registered for the offences under Section 504 of IPC and Section 67 of Information Technology Act, 2000.

3. Learned counsel for the petitioner submitted that for the offences under Section 504 of IPC, punishment is 2 years imprisonment



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and for the offences under Section 67 of Information Technology Act, 2000, the imprisonment is 3 years. However, even after passage of nearly 4 1/2 years, final report has not been filed and hence the impugned FIR is hit by Section 468(2) of Cr.P.C.

4. Per Contra, Mr. Sakthi Kumar, learned Government Advocate, submitted that already final report was filed through e-filing in LTN No. 20220002243 C202500001 dated 05.01.2025 on the file of Judicial Magistrate, Thirumayam and the same has not been taken on file so far. He further sought for dismissal of this Criminal Original Petition.

5. Heard both the sides and carefully produced the materials available on record.

6. Section 468 of the Code of Criminal Procedure, 1973 is extract hereunder:

" 468. Bar to taking cognizance after lapse of the period of Limitation

(i) Except as otherwise provided elsewhere in this Code, no Court, shall take cognizance of an offence of the category



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specified in Sub-Section (2), after the expiry of the period of limitation.

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(2)The period of limitation shall be—

- 1. six months, if the offence is punishable with fine only;*
- 2. one year, if the offence is punishable with imprisonment for a term not exceeding one year;*
- 3. three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years.*

7. In view of the mandates under Section 468 of Cr.P.C., it is needless to state that the learned Judicial Magistrate, Thirumayam, cannot take cognizance of the offences under Section 504 of IPC which is punishable upto two years imprisonment and for the offences under Section 67 of Information Technology Act, 2000, which is punishable upto three years imprisonment, by taking the final report filed by e-filing, after passage of nearly 4 1/2 years.

8. In view of the same, the FIR in Crime No.121 of 2020 on the file of the first respondent and the final report filed in through e-filing in LTN No.20220002243 C 202500001 dated 05.01.2025 on the file of



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Judicial Magistrate, Thirumayam, are quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition stands closed.

06.01.2026

NCC : yes / no
Index : yes / no
Internet :yes /no

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To

- 1.The Judicial Magistrate, Thirumayam.
2. The Inspector of Police, Arimalam Police Station,
Pudukottai District. Crime No.121 of 2020
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI,J

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