

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2020
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.4929 of 2020
and Crl.M.P.No.2834 of 2020

1.Narayanasamy

2.Seenappa

...Petitioners/Accused 1 & 2

-Vs-

1.The State rep. By
Inspector of Police,
Berigai Police Station,
Krishnagiri District.

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pending on the file of the respondent police namely Inspector of Police, Berigai Police Station, Krishnagiri District in Crime No.334 of 2015 and to quash the criminal proceedings as against the petitioners concerned.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammed Riyaz
Addl.Public Prosecutor

ORDER

This petition has been filed to quash the F.I.R. in Crime No. 334 of 2015 registered by the respondent police for offence under Section 379 of IPC (Sand theft), as against the petitioners.

2. The case of the prosecution is that the petitioners on 11.09.2015 at about 05.30 hours, transported river sand in Tipper lorry bearing registration No.TN-69-AZ-1558 illegally without proper license and permission.

3. The learned Counsel appearing for the petitioners submitted that the FIR has been registered on 11.09.2015 for the offence under Section 379 of IPC. Till date, the respondent has not completed the investigation and did not file any charge

sheet against the petitioners.

4. The petitioner is sustained as per Section 468(2)(c) of Cr.P.C. Since the offence punishable under Section 379 of IPC, the respondent ought to have filed the charge sheet within a period of three years from the date of registration of crime. Admittedly, even after registration of FIR, by now 4 ½ years have been lapsed, the FIR is pending in the police station without any investigation. That ground alone, this petition is liable to be allowed.

5. In view of the above discussion, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rpl

To

1.The Inspector of Police,
Berigai Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.E.Kannadasan Advocate sr19829

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