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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6827 of 2021

and

Crl.M.P.No.4523 of 2021

Ramanan,
S/o, Muthu

... Petitioner/Accused (A-4)

Versus

1. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.

... 1st Respondent/Complainant

2. K.Manokaran,
Revenue Inspector, (2001)
Thatchampadi Firka,
Tiruvannamalai District- 606 902.

... 2nd Respondent/Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.178/2001 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.G.Pandian

For R1 : Mr.E.Raj Thilak

Government Advocate(Criminal Side)

ORDER

The petitioner is the accused (A4) in Crime No.178 of 2001 under sections 147, 341, 427, 120(B) IPC r/w 3(1) of T.N.P.P.D.L on the file of the first respondent police, has filed this quash petition.

2. The gist of the case is that on 01.07.2001, the Revenue Inspector of Thatchambadi Firka along with VAO and the Village



Assistant at about 4.00 am, while there were on patrol, at that time they found that the members belonging to particular political party agitated against the arrest of their leader Former Chief Minister to obstruct traffic and create disturbances to the public against the law and order and also be causing damages to the public property and they had cut down the Tamarind trees, two wild tress and placed it across the road and thereby obstructing the traffic. Hence the complaint has been lodged.

3. The contention of the petitioner is that the petitioner has been falsely implicated in this case due to political animosity. It is the mere statement of the Revenue Inspector that the petitioner along with others and their office bearers who are belonging to particular political party at about 4 am in the morning nearly four persons had protested on the arrest of their leader is also highly imaginary. The petitioner is a social conscious person. The case has been registered in the year 2002 and it was almost 20 years now and till date not yet completed the investigation and filed the charge sheet. Due to the stigma of the above case, he is unable to get loan and also it affect his children studies.

4. The learned Public Prosecutor submitted that in this case, the petitioner and other accused have taken the law in their own hand violating the rules, cut down the trees and put it across the road to obstruct the traffic and create disturbance to the public. The defacto complainant is the Revenue Inspector, along with VAO and Village Administrative Assistant was keeping surveillance of the area and found the petitioner indulging in the act. The defacto complainant has no animosity to falsely implicate the petitioner in this case. Further the petitioner by causing damage to the public property and creating disturbances to the public cannot be accepted. He further submitted that offences under section TNPPDL Act is extensively up to the period of five years. In view of the same, the petitioner cannot have the benefit of section 468 of the act and there is no limitation.

5. Considering the rival submissions, it is seen that the occurrence took place on 01.07.2001 and it is almost 20 years. Now the case is at the stage of FIR and investigation is not yet completed and no charge sheet has been filed. It is seen that from the averments in the plaint and FIR and the materials placed, there is nothing to show what are the trees which have been cut of and what is the value and nothing is mentioned in the complaint. From the observation mahazar and complaint, and materials, it is found that no witness has been examined to show the damages caused.



6. In view of the same, this Court finds that no offence is made out as against the petitioner and considering the same and also it is found that there is inordinate delay of almost 20 years to register the case and no proper explanation is forthcoming, this Court is inclined to quash the further proceedings in Cr.No.178 of 2001. Though A4 alone has come before this court but even in so far A1 to A3 are concerned, who are similarly placed, though there is no petition filed, in view of the similarity, this Court is inclined to quash the proceedings as against A1 to A3 as well.

7. Accordingly, the Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
2. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.6827 of 2021
and
Crl.M.P.No.4523 of 2021

CP(CO)
CT(09/08/2021)