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Crl.O.P.(MD)No.18652 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.18652 of 2023
and Crl.M.P.(MD)Nos.14720 and 14721 of 2023

P.Mani

... Petitioner/Accused No.1

Vs.

1.State represented by
The Inspector of Police
Taluk Police Station,
Palani,
Dindigul District. (Cr.No.487/2010)... 1st Respondent/Complainant

2.Dharmaraj ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertinent to the charge sheet in C.C no. 290/2011 pending before the Judicial Magistrate Court, Palani and quash the same as arbitrary and illegal as against the 1st Accused / Petitioner herein.

For petitioner : Mr.K.C.Ramalingam

For R1 : Mr.M.Vaikkam Karunanidhi
Government Advocate (Crl. side)



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ORDER

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This petition has been filed to quash the charge sheet in C.C no. 290/2011 pending before the Judicial Magistrate Court, Palani

2.The petitioner facing charges under Sections 143, 341,353,387 and 109 of IPC in C.C.No.290 of 2011 on the file of the learned Judicial Magistrate, Palani, Dindigul District, in Crime No.487 of 2010, on the file of the respondent police.

3.It is submitted that the case is of the year 2011. The crime is of the year 2010. The grievance of the petitioner is that even though final report was filed as early as on 2011, because of pendency of warrant against some of the accused, trial could not be concluded. On the ground of long delay, his future is affected.

4.The learned Government Advocate (Crl. Side) would submit that in respect of A6 and A8 warrant is pending. The learned counsel for the petitioner would submit that the second accused namely Veerappan and tenth accused namely Krishnan are no more and charges against them abated. It is further submitted that except bald allegation, there is no specific overt act attributed against the first accused. But, reading of the



complaint given by the defacto complainant shows that on a secret information that sandalwood smuggling is undertaking in the range area, they formed three groups and undertook the Inspection at about 6.30 p.m. near 'reach vaikkal'. At that time, they found 10 persons in suspicious manner. They made enquiry, they stated that they came there for purchasing sandalwood logs. The accused persons answered positively. They also shown the sandalwood logs. At that time, the above said persons made criminal intimidation and the defacto complainant's team tried to over come them. Some escaped from that place. Some were apprehended and they revealed that they used to cheat the public with the connivance of one Kannan and Rajendran, who are the departmental people. They recovered 60 kilograms of Sembulichan logs along with two vehicles. Over the above said occurrence case was registered. After completing the investigation, final report was filed implicating all the accused persons.

5. Reading of the complaint as well as the final report shows that all the accused persons alleged to have indulged in the criminal activity of cheating the public by showing some country wood as if they are sandalwood. When specific allegations are made in the FIR and in the final report, the contention on the part of the petitioner that this is a false



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case foisted upon due to the internal groupism between the members of the same department. This cannot be taken into account. It is a matter for trial. In find absolutely no reason to quash the proceedings.

6.With regard to the delay as stated above, because of non appearance of some of the accused, trial could not be completed within the time frame. No doubt that this is a genuine grievance on the part of the petitioner. Therefore, there shall be a direction to the trial Court to split up the case against the accused, who are regularly appearing and proceed to dispose the same, within a period of five months from the date of receipt of a copy of this order.

7.With the above said direction, this criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

29.11.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The Judicial Magistrate, Palani, Dindigul District.



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2.The Inspector of Police
Taluk Police Station,
Palani,
Dindigul District.

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



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G.ILANGOVA. J.

TM

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