



CRL.OP(MD). No.1615 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). No.1615 of 2023

Kamalraj

... Petitioner / Accused No. 38

Vs.

1. The State,

Rep by the Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.

(Crime No. 524 of 2013)

... 1st Respondent / Complainant

2. A.Rengasamy

... 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 FIR in Crime No.524 of 2013 on the file of the 1st respondent police and to quash the same.

For Petitioner : M/s.Narayanan.R

For R-1 : M/s.S.Ravi,
Additional Public Prosecutor,
(Crl. Side)



CRL.OP(MD). No.1615 of 2023

ORDER

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This criminal original petition has been filed to quash the FIR in Crime No.524 of 2013 pending investigation on the file of the first respondent police.

2. The case of the prosecution is that an attempt was made by the accused persons to put up a construction in a property which belongs to the Highways Department. Immediately steps were taken by the authorities to remove the encroachment and the entire place was fenced. On 13.11.2013 at about 6.00 a.m., the accused persons along with 100 others came to be scene of occurrence with deadly weapons and attempted to encroach into the property once again. When the same was questioned, they threatened the officials. Based on the complaint given by the Assistant Divisional Engineer, Highways Department, the FIR came to be registered as against 15 named accused persons and others. The petitioner was arrayed as A38 in this case.

3. Heard the learned counsel on either side and perused the materials placed on record.



CRL.OP(MD). No.1615 of 2023

WEB COPY

4. The learned Additional Public Prosecutor (Criminal Side) appearing on behalf of the respondent police, on instructions, submitted that totally 84 accused persons are involved in this case and that the investigation was completed and the police report was filed before the learned Judicial Magistrate No.2, Thanjavur on 20.11.2023. However, the police report has not been taken on file.

5. On carefully going through the FIR, it is seen that the accused persons and others wanted to put up a memorial in support of the Srilankan Tamils who were killed in genocide. This incident had taken place in the year 2013. At this length of time, to identify 84 accused persons who were involved in this case, is next to impossible. That apart, it was not a case of encroachment for any private gain but the entire incident had taken place in support of the Srilankan Tamils. It was more by way of agitation which resulted in the registration of FIR. Considering the fact that 11 years have passed by, no useful purpose will be served in conducting the trial in this case at this length of time.



CRL.OP(MD). No.1615 of 2023

6. In the light of the above discussion, this Court is inclined to exercise its jurisdiction under Section 482 of the Criminal Procedure Code and quash the FIR in Crime No. 524 of 2013 in its entirety.

7. This Criminal Original Petition is allowed accordingly.

05.11.2024

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

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To

1. The Judicial Magistrate No.2,
Thanjavur.
2. The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.OP(MD). No.1615 of 2023

N.ANAND VENKATESH,J.

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Order made in
CRL.OP(MD). No.1615 of 2023

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