



Crl.O.P.(MD)No.20144 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20144 of 2024

and

Crl.M.P.(MD)No.12458 of 2024

Rajamani

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by the Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(Cr.No.298 of 2018)

2.Prem Ananth

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records relating to FIR in Crime No.298 of 2018 dated 09.09.2018 on the file of the first respondent Police, the Inspector of Police, Viralimalai Police Station, Pudukkottai District and quash the same as against the petitioners.

For Petitioners
For R1

: Mr.B.Anandan
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)



Crl.O.P.(MD)No.20144 of 2024

ORDER

WEB COPY

This Criminal Original Petition has been filed to call for the records in Crime No.298 of 2018 dated 09.09.2018 on the file of the first respondent police and quash the same as illegal.

2.The petitioner is the accused in Crime No.298 of 2018 for the offence under Sections 285 and 336 IPC. The case projected against the petitioner is that the Village Administrative Officer had found the petitioner illegally filling up LPG gas in small containers. Further, he was doing brokerage in purchasing and selling LPG gas. The petitioner had not followed any safety procedure, which is endangering the public life. Hence, on 07.09.2019, a fire accident had taken place and the petitioner sustained fire burn injuries. He was admitted in a Government hospital, Trichy. Hence, the Village Administrative Officer lodged a complaint as against the petitioner.

3.The contention of the petitioner is that the petitioner now recovered from the burn injuries and he is fit, hale and healthy. The petitioner completed his third year B.L course from Sri Krishnadevaraya University, Ananthapuramu, Andra Pradesh. He further submits that due



Crl.O.P.(MD)No.20144 of 2024

to the pendency of the above criminal case against him, the petitioner is unable to get enrolled and the present case pending against him is being an impediment to a Lawyer.

4.The petitioner earlier submitted a petition under Section 468 of Cr.P.C., in Cr.M.P.No.74 of 2024 before the trial Court stating that for more than five years, no charge sheet have been filed by the respondent police against the petitioner and the case registered against the petitioner is pending without any progress. He further stated that the for offence said to have been committed by the petitioner, the maximum punishment is only six months and a fine of Rs.1,000/- and it is extendable for few more months. However, though more than five years have been lapsed, the respondent police has not proceeded to file charge sheet against the petitioner. Hence, the trial Court by an order dated 30.08.2024, had stopped further investigation invoking Section 167(5) of Cr.P.C..

5.Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.side) for the first respondent submitted that the investigation is in the same status and the respondent police had taken any steps to file charge sheet in view of the restraint order of the trial Court.



Crl.O.P.(MD)No.20144 of 2024

6.The learned counsel for the petitioner also produce the educational certificates of the petitioner.

7.Considering the facts and circumstances of the case, this Court is of the view that continuation of investigation as against the petitioner would serve no purpose. Accordingly, the case in Crime No.298 of 2018 is quashed and this Criminal Original Petition is allowed. It is made clear that the present case cannot be put against the petitioner in his education career or at the time of his employment or enrollment. Consequently, connected miscellaneous petition is closed.

20.11.2024

NCC : Yes / No
Index : Yes / No
ta

To

- 1.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.20144 of 2024

M.NIRMAL KUMAR, J.

ta

Crl.O.P.(MD)No.20144 of 2024

20.11.2024