



Crl.O.P.(MD)Nos.22407 and 22439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.22407 and 22439 of 2024
and
Crl.M.P.(MD)Nos.13987 and 14008 of 2024

Crl.O.P.(MD)No.22407 of 2024:-

K.Azhagarsamy

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.1794 of 2020)

2.M.Ukkirapandian

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.1794 of 2020, on the file of the first respondent Police and quash the same as illegal.

For Petitioner : Ms.K.Vinothini

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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Crl.O.P.(MD)No.22439 of 2024:-

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K.Azhagarsamy

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No.1996 of 2020)

2.M.Balakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.1996 of 2020, on the file of the first respondent Police and quash the same as illegal.

For Petitioner : Ms.K.Vinothini

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the proceedings in Crime Nos.1794 and 1996 of 2020, on the file of the respondent Police.

2. The learned counsel for the petitioner contends that the petitioner is the owner of the Tata Ace vehicle bearing Registration



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No.TN-59-CD-7404. His vehicle has been seized by the respondent Police based on the confession of one of the accused, who stated that the vehicle was used to transport stolen cattle and that the petitioner was the driver.

3. The learned counsel for the petitioner further contends that the petitioner applied for enrollment as an advocate on 13.08.2024 and is involved in handling registration work. While he owns the vehicle, he rents it out. The learned counsel for the petitioner further submits that the petitioner has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) submits that the confession of the first accused (A1) provides a clear sequence of events detailing offences committed over a period of time, specifically between 16.12.2020 and 17.12.2020, involving the theft of cattle from multiple jurisdictions. The cattle were subsequently tied up and kept at one location. Based on this confession, the stolen cattle were recovered, and the vehicle was seized. The Government Advocate (Criminal side) further submits that the investigation has been completed, charge sheets are being prepared, and the same will be filed as expeditiously as possible.



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5. The contention raised by the learned counsel for the petitioner is based on factual matters, which cannot be resolved in a quash application. Further, there are witnesses who corroborate the petitioner's active participation in the commission of the offence, along with two other accused persons.

6. The learned counsel for the petitioner now limits the prayer to requesting that the charge sheets be filed immediately and that the trial be concluded without further delay.

7. In light of the above, the Criminal Original Petitions are dismissed. Once the charge sheets are filed in both cases, the concerned Magistrate is directed to take the charge sheets on file, give preference and ensure their swift disposal. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

19.12.2024

Index : Yes / No

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Copy to:-

The Judicial Magistrate,
Vadipatti.



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- 1.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 2.The Inspector of Police,
Sholavandan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Common Order made in
Crl.O.P.(MD)Nos.22407 and 22439 of 2024

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