



Crl. O.P. No. 5817 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 5817 of 2025

and

Crl. M.P. No. 3767 of 2025

R. Vasanthakumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur.
(Crime No.807 of 2018)

... Respondent

Criminal Original Petition is filed under Section 528 of B.N.S.S.,
to call for the records relating to the case in Crime No. 807 of 2018
pending investigation on the file of the respondent police and quash the
same.

For Petitioner : Mr. G. Mohana Krishnan
For Respondent : Mr. A. Gopinath,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in
Crime No.807 of 2018 on the file of the respondent registered for the
offences under Sections 379 and 430 of IPC.



WEB COPY 2. The case of the prosecution is that, on 02.12.2018 when the respondent team while checking the illegal river sand theft, they found that the petitioner and another in their two motorcycle illegally transported four bags of river sand without any permission or license.

3. The FIR has been registered in the year 2018, for the past 7 years it is pending without any progress and investigation.

4. On instructions, Mr.A.Gopinath, learned Government Advocate submitted that they had transported river sand illegally without any permission or license in their two wheelers. However, investigation is still pending.

5. There is absolutely no explanation for huge delay of 7 years. Therefore, the limitation will come to play under Section 468 of CrPC to take cognizance. Therefore, mere keeping the FIR pending, would not serve any purpose after a period of 7 years.



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WEB COPY 6. In view of the above, this Court is inclined to quash the FIR in Crime No. 807 of 2018 and this Criminal Original Petition is allowed as against both the accused. Consequently, connected miscellaneous petition is closed.

03.03.2025

Index : Yes / No
AT

To

1. The Inspector of Police,
Sholavaram Police Station,
Thiruvallur.
2. The Judicial Magistrate No.I, Cuddalore.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

AT

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G.K.ILANTHIRAIYAN, J.

Today, this matter has been listed under the caption “For being mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner has brought to the notice of this Court that in the order dated 03.03.2025 in CrI.O.P.No.5817 of 2025, in the Address portion, the name of Court has been erroneously stated as “The Judicial Magistrate No. I, Cuddalore” instead of “The Judicial Magistrate No.II, Ponneri”.

3. Accepting the submissions of the learned counsel for the petitioner, in the address portion of the order dated 03.03.2025 in CrI.O.P.No.5817 of 2025, the Court shall be read as The Judicial Magistrate No.II, Ponneri.

4. In other aspects, the order dated 03.03.2025 in CrI.O.P.No.5817 of 2025 shall remain unaltered.

5. Registry is directed to correct the order dated 03.03.2025 in CrI.O.P.No.5817 of 2025, as above and issue order copy afresh.

19.03.2025

mn



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mn

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19.03.2025