



Crl.O.P.No.7104 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7104 of 2025
and Crl.M.P.No.4531 of 2025

Thamizhazhagan

... Petitioner

Vs

1. The State Rep. By
Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

2. Daimand Durai,
Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the further proceedings in S.C.No.167 of 2022 pending on the file Learned Principle District and Session Judge, Cuddalore Division – Cuddalore.

For Petitioner : Mr.P.Muthamizhselvakumar
For R1 : M/s J.R.Archana
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceeding in S.C.No.167 of 2022 pending on the file Principle District and Session Judge, Cuddalore Division – Cuddalore.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. The case of the prosecution is that when the second respondent and their team were on regular patrol, they found that the petitioner was carrying $\frac{1}{4}$ unit of river sand in a bullock cart. Hence, the complaint.

4. Therefore, the second respondent itself registered FIR in Crime No.701 of 2020 for the offences punishable under Sections 379 and 430 of IPC read with Section 21(1) of MM Act. After completion of investigation, the final report has been filed and the same has been taken cognizance in S.C.No.167 of 2022 pending on the file Principle District and Session Judge, Cuddalore Division – Cuddalore.

5. The learned counsel for the petitioner would submit that since the



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FIR has been registered by one and the same person viz., the informant, who is also the second respondent herein, the same is not permissible under any law and is also against the dictum laid down by the Hon'ble Supreme Court of India. That apart, the petitioner is a sole accused and the petitioner was in possession of $\frac{1}{4}$ unit of river sand in the bullock cart. On the very same day, viz., 16.07.2020 another FIR has been registered for the very same set of allegations in Crime No.702 of 2020 as against another person and the same was also quashed by this Court in Crl.O.P.No.9973 of 2022 by an order dated 05.02.2024.

6. In view of the above, the impugned proceeding is liable to be quashed. Accordingly, the proceeding in S.C.No.167 of 2022 pending on the file Learned Principle District and Session Judge, Cuddalore Division – Cuddalore, on the respondent Police, is hereby quashed.

7. In the result, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

12.03.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn

G.K.ILANTHIRAIYAN. J.



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mn

To

1. The Principle District and Session Judge,
Cuddalore Division – Cuddalore.
2. The Sub-Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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