



Crl.O.P.No. 13734 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

Crl.O.P.No.13734 of 2025 and
Crl.M.P.No.9164 of 2025

1.T.Kaviyarasu
2.T.Kathiravan

... Petitioners

Vs.

1.The State,
Rep. by,
Inspector of Police,
Jayankondam Police,
Ariyalur District.
Crime No.713 of 2021.

2.Mr.K.Kandhasamy

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the impugned final report in C.C.No.173 of 2023, in connection with the Crime No.713 of 2021 first respondent police, pending on the file of the Judicial Magistrate Court -I at Jayakondam and quash the same.

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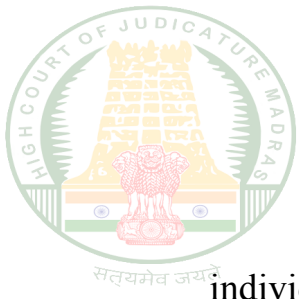
For Petitioners : Mr.C.Iyyapparaj for
Mr.M.Jothi Kumar

For R1 : Mr.R.Vinothraja,
Government Advocate (crl.side).

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.173 of 2023 pending on the file of the Judicial Magistrate Court -I at Jayakondam.

2. The case of the prosecution is that on 17.08.2021 at around 7.00 a.m., while acting on a tip-off regarding regular instances of sand theft from Karuvattu Odai near Mahimaipuram, the squad, constituted by the Deputy Superintendent of Police, proceeded on patrol to the said location. During the patrol, a bullock cart carrying approximately half a unit of suspected stolen sand was found on the main road. Upon interrogation, the person in possession of the cart disclosed his name. While the police attempted to escort him and the cart to the station, the Panchayat President along with approximately 15 unidentified



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individuals obstructed them from discharging their official duties and attempted to unload the same. The police then informed the first respondent, secured the bullock cart and proceeded to the police station. Based on this, an FIR was registered in Crime No.713 of 2021 for the offence under Sections 147, 353 and 379 of IPC. After completion of the investigation, the first respondent filed a final report before the Judicial Magistrate Court -I at Jayakondam and the same was taken cognizance in C.C.No.173 of 2023.

3. The learned counsel for the petitioners submitted that the bullock cart was operated by A1, and there is no material to show that the petitioners were involved in obstructing the police officials. The learned counsel further submitted that the allegations are vague and trivial in nature and do not disclose any specific overt act against the petitioners. No independent witnesses were examined during the investigation to substantiate the claim of obstruction. Hence, the continuation of the proceedings would be a clear abuse of the process of law.



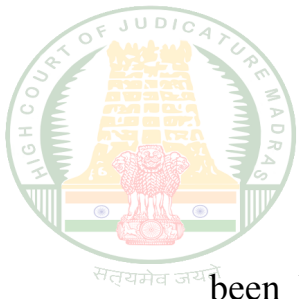
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4. The learned Government Advocate (Criminal Side) submitted that there are sufficient materials collected during the course of the investigation, which *prima facie* disclose the commission of offences. It was further submitted that the matter involves obstruction of public servants in the discharge of their official duties, and therefore, the proceedings cannot be quashed at the threshold.

5. Heard both sides and perused the materials available on record.

6. On a careful consideration of the submissions and upon perusal of the records, it is evident that the allegations as against the petitioners and other accused, are general and not supported by any specific evidence. The primary allegation relates to obstruction of official duty, but no independent witness has been cited to corroborate this version. The records further indicate that the petitioners had visited the police station to enquire about the case filed against them, and there is nothing on record to suggest that they were involved in the alleged act of theft or that they physically obstructed the police. The complaint appears to have



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been lodged on the presumption that the petitioners were part of the group without clear identification or direct involvement. In such circumstances, the continuation of the criminal proceedings against the petitioners would amount to abuse of process of law and would serve no useful purpose.

7. In view of the above, the proceeding in C.C.No.173 of 2023 is hereby quashed as against the petitioners. Though the petition has been filed only by A5 and A6, in the interest of justice and to meet the ends of justice, the entire proceeding in C.C.No.173 of 2023, insofar as all the accused is also hereby quashed.

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

30.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

shk

To

- 1.The Judicial Magistrate Court-I, Jayankondam
- 2.The Inspector of Police,
Jayankondam Police,
Ariyalur District.
3. The Public Prosecutor,
High Court, Madras.

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