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Crl.O.P.No.12480 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM:

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

Crl.O.P.No.12480 of 2025 and
Crl.MP.Nos.8314 & 8316 of 2025

1.Sulthan
2.Nazar

... Petitioners

Vs.

1.State rep by its
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur
(cr.No.251 of 1997)
2.Nazar

... Respondents

PRAYER:

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in PRC.No.38 of 2013 pending on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith

For Respondents

For R1 : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in PRC.No.38 of 2013 pending on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur.

2. The petitioners herein have been arrayed as accused nos.6 & 7 in the charge sheet for the offences under Sections 147, 148 & 436 r/w 149 & 34 of IPC. The FIR was laid on 22.07.1997 and after a prolonged investigation, the charge sheet was laid in the year 2013, which was taken on file by the learned Judicial Magistrate, Tiruturaiundi in P.R.C.No.38 of 2001.

3. The main ground on which the petitioners have filed the present petition is that though many years have lapsed there is no progress in the proceedings.

4. The Hon'ble Apex Court, in the decision of *Abdul Rehman Antulay and others vs. R.S.Nayak and another* reported in (1992) 1 SCC 225, has held that right to speedy trial flowing from Article 21 encompasses all the stages namely, the stage of investigation, inquiry,



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trial, appeal, revision, and retrial. By applying this ratio to the facts of the present case, it requires to be necessarily held that the delay of more than eighteen (18) years in completing the trial would amount to denial of the right to a speedy trial and on this ground of laches also, the impugned charge sheet would be liable to be struck out.

5. In the light of the above observations, the proceedings in P.R.C.No.38 of 2001 insofar as it relates to the petitioners herein, stands quashed.

6. The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

24.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur
2. The Inspector of Police,
Muthupettai Police Station,
Tiruvarur
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.
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