



Crl. O.P. No. 12475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 12475 of 2025

and

Crl. M.P. Nos. 8312 & 8313 of 2025

Nazar

... Petitioner

Vs

1. The State Represented by,
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
(Crime No.282 of 1997)

2. Shahul Hameed

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to call for entire records in P.R.C.No.11 of 2022 on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur and quash the same as illegal and without jurisdiction and thus render justice.

For Petitioner : Mr. I. Abdul Basith

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



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This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.11 of 2022 on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur.

2. The petitioner herein has been arrayed as accused no.7 in the charge sheet for the offences under Sections 147, 148 and 436 r/w 149 of IPC. The FIR was laid on 29.06.1997 and after a prolonged investigation, the charge sheet was laid on 09.02.2001, which was taken on file by the learned Judicial Magistrate, Tiruthuraipoondi in P.R.C.No.35 of 2001. It is stated that the case against the petitioner/A7 was split up and assigned with P.R.C.No.11 of 2022 on the file of Judicial Magistrate Court, Thiruthuraipoondi.

3. The co-accused persons (A1, A3 and A10) in P.R.C.No.35 of 2001 on the file of Judicial Magistrate Court, Thiruthuraipoondi, in which the petitioner is arrayed as A7 is standing in the same footing. Insofar as A1, A3 and A10 are concerned, they filed a quash petition before this Court in Crl.O.P.No.27371 of 2019 and this Court by order dated 26.11.2019, quashed the entire proceedings. The relevant portion of the order as follows: -



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“2. The main ground on which the petitioners have filed the present petition is that though 18 years have lapsed there is no progress in the proceedings.

*3. 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, 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.*

4. In the light of the above observations, the proceedings in P.R.C.No.35 of 2001 insofar as it relates to the petitioners herein, stands quashed.

5. The Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.”

4. In view of the above, the proceedings in P.R.C. No. 11 of 2022 on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur cannot be maintained as against the petitioner and liable to be quashed. Accordingly, quashed.



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5. In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

23.04.2025

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1. The Judicial Magistrate Court,
Thiruthuraipoondi, Tiruvarur.

2. The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

AT

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