



Crl.O.P.No.13849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM:

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

Crl.O.P.No.13849 of 2025 and
Crl.MP.Nos.9248 & 9249 of 2025

Nazar

... Petitioner

Vs.

1.State represented by its
The Inspector of Police,
Muthupettai Police Station,
Tiruvarur
(cr.No.308 of 1997)
2.Chidambaram

... 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.37 of 2007 pending on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur and quash the same as illegal and without jurisdiction.

For Petitioner : Mr.I.Abdul Basith

For Respondents

For R1 : Mr.R.Vinothraja,
Government Advocate (Crl.Side)

ORDER



Crl.O.P.No.13849 of 2025

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This Criminal Original Petition has been filed to quash the proceedings in PRC.No.37 of 2007 pending on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur in respect of the petitioner.

2. The petitioner has been arrayed as accused no.7 in the charge sheet for the offences under Sections 147, 436 r/w 149 and 114 of IPC. The main ground on which the petitioner has 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.



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WEB COPY 4. In the light of the above observations, the proceedings in PRC.No.37 of 2007 pending on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Tiruvarur insofar as it relates to the petitioner herein, stands quashed.

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

30.04.2025

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



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G.K.ILANTHIRAIYAN, J.
lok

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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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