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CRL OP No. 21798 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21798 of 2025

AND

CRL MP NO. 14923 OF 2025, CRL MP NO. 14924 OF 2025

1. Sabarinath @ Prabu
S/o.Balu, Amman Koil Street,
Kuravanmedu Village, Cuddalore
Taluk, Cuddalore District.

Petitioner(s)

Vs

1. The Inspector of Police,
Puduchathram Police Station,
Puduchathram, Cuddalore District.
Cr.No.109/2017.

2.T.Mohan
S/o.Not Known, Inspector of Police,
Puduchathram Police Station,
Puduchathram, Cuddalore District.

Respondent(s)

PRAYER

This criminal original petition is filed under Section 528 of BNSS praying to call for the records relating to the case in CC No.88/2017 pending on the file of



the Judicial Magistrate, Portonovo, Cuddalore District and quash the same.

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For Petitioner(s): Mr.K. G.Senthil Kumar

For Respondent(s): Dr.C.E.Pratap, Government
Advocate (Crl.Side) for R1

ORDER

The prayer in the criminal original petition is to call for the records relating to the case in CC No. 88 of 2017 on the file of the judicial magistrate (Porto Novo), Cuddalore.

2.Upon hearing the learned counsel for the petitioner and the learned government advocate (criminal side) for the respondents and perusing the material records of the case, it can be seen that on 25/5/2017, a case was registered by one Mohan, the inspector of police, Puduchathram police station, stating that he, along with 2 other police personnel, was going for the crime prevention rounds, and opposite to the TASMACH shop No. 2539, the accused persons had illegally assembled with a view to cause damage to the government property and were raising slogans as if they would burn the entire TASMACH shop. On the strength of his own information, he registered the first information report, and he himself completed the investigation and filed a final report

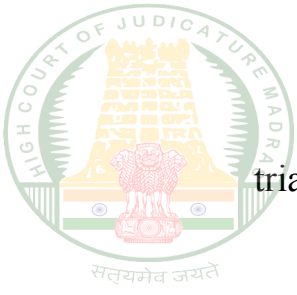


proposing the petitioner's guilty for an offence under Section 7(1)(a) of the Criminal Law Amendment Act. The same was taken on file as CC No. 88 of 2017.

4. In the final report, there were 3 witnesses who were sought to be examined for proving the case against the accused, of which LW1 and LW2 were examined as PW1 and PW2 as early as in the year 2018 itself. Thereafter, for examination of LW 3, who is the investigating officer, the case is pending till date. In that background, after considering the arguments of both sides, I am of the view that this criminal original petition is liable to be allowed on the following grounds:

(i) when the said T. Mohan, inspector of police, himself is the first informant, and having registered the FIR on his own information, he himself has conducted the investigation and filed the final report;

(ii) And when the accused are entitled to a speedy trial, and the offence is set to have taken place in the year 2017 and when the entire final report was filed and the trial progressed in the year 2018, for the past 7 years, there has been absolutely no progress in the case, and therefore, in the facts and circumstances of the present case, the delay is huge so as to impinge upon the right to a speedy



trial of the accused under Article 21 of the Constitution of India;

(iii) And after considering the allegations that are made in the first information report as well as in the statement of the witnesses, I see that the occurrence is nothing but a protest, which is a democratic right of the petitioners and would not amount to any criminal offences.

5. For all the above reasons, this criminal original petition is allowed as prayed for. Consequently, the connected miscellaneous petitions are closed.

05-08-2025

jrs

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes



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To

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Puduchathram, Cuddalore District.
Cr.No.109/2017.

2.T.Mohan
S/o.Not Known, Inspector of Police,
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**D.BHARATHA
CHAKRAVARTHY J.**

jrs

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