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CRL OP No. 22103 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 22103 of 2025 & CrI.M.P.No.15136 of 2025

1. SATHYAMURTHY

S/o.Shanmugam, Udayar Street,
Kandan Koil, Chidambaram Taluk,
Cuddalore District.

Petitioner(s)

Vs

1. The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore, Cuddalore District.
Cr.No.15/2014.

2.Kadalarasu

S/o.Sundaramurthy, Security,
Engineering Department, Annamalai
University, Annamalai Campus,
Chidambaram, Cuddalore District.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to call for the records relating to the case in CC No.18/2016 pending on the file of the Judicial Magistrate-I, Chidambaram, Cuddalore District and quash the same.



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

For Respondent(s): Mr.K.M.D.Muhilan

Additional Public Prosecutor – R1

ORDER

This Criminal Original Petition has been filed to quash the case in CC No.18 of 2016 pending on the file of the Judicial Magistrate-I, Chidambaram, Cuddalore District.

2. The final report filed under section 379 of IPC against the petitioner sought to be quashed on the ground that there is no progress in this case. It is the contention of the petitioner that he was a juvenile in the year 2016 and nothing has moved forward against him and no witness has been examined. According to the petitioner, he is only a pillion rider. The main charge is against A1. Despite the fact that the petitioner is a juvenile, the case records have not been sent to Juvenile Justice Board and the Board has not taken any steps to dispose the case. Hence, it is his contention that the case is pending for more than 9 years and no evidence has been let in and the same violates Article 21 of Constitution of India, the speedy trial concept.

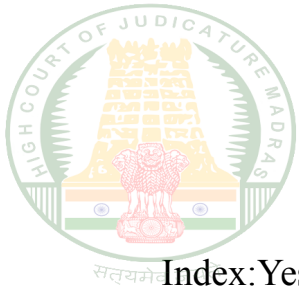


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3. Admittedly, the case is of the year 2016 and till date no witness has been examined in this case. The same is a clear violation of rights granted under Article 21 of Constitution of India. This aspect has been reiterated in the case in **Santhosh De Vs. Archana Guha and others reported in 1994 Supp [3] Supreme Court Cases 735** wherein it has been stated that the unexplained delay of eight years in commencing the trial by itself infringes the right of the accused to speedy trial. In the present case also even after filing of the charge sheet in the year 2016, there is no progress in this case for a petty offence. The petitioner was a juvenile at the time of occurrence and he is only a pillion rider. In such view of the matter, this Court is of the view that continuing the prosecution, where there is no progress for more than nine years will not serve any purpose.

4. Accordingly this Criminal Original Petition is allowed and the case in C.C.No.18 of 2016 is quashed as against the petitioner. Consequently, connected miscellaneous petition is closed.

21-08-2025



WEB.COM Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate No.I,
Chidambaram.

2.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore, Cuddalore District.
Cr.No.15/2014.



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N.SATHISH KUMAR J.

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