

Crl.O.P.(MD)No.1338 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1338 of 2025

1. Muthuramalingam
2. Mari @ Sempattai Mari
3. Kannayirammoorthy @ Moorthy
4. Karuppaiaya @ Karuppasamy
5. Moorthy @ Muthukilavan
6. Muniyandi
7. Naganathan
8. Muthuramalinam

... Petitioners

Vs

1. The State of Tamilnadu
Rep by the Inspector of Police
Elanjambur Police Station
Ramanathapuram District.
Crime No.29 of 2017.

2. Marimuthu

... Respondents



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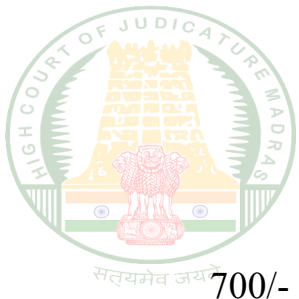
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records connected with the case in S.C.No.40 of 2020 on the file of the Additional District Judge (Fast Tract Court) Paramakudi Ramanathapuram District and Quash the same as illegal as against the petitioners.

For Petitioners : Dr.R.Alagumani
For Respondents : Mr. K.Sanjai Gandhi (R1)
Government Advocate (CrI.Side)
Mr.P.Ravindar (R2)

ORDER

The Criminal Original Petition has been filed to quash the case in S.C.No.40 of 2020, on the file of the Additional District Judge (Fast Track Court) Paramakudi, Ramanathapuram District as against the petitioners.

2. The case of the prosecution is that on 12.07.20217 at about 05.00p.m., while the defacto complainant, who was a Supervisor in a Sand Quarry was waylaid by the accused persons and committed robbery of a sum of Rs.5,800/- from the defacto complainant and Rs.

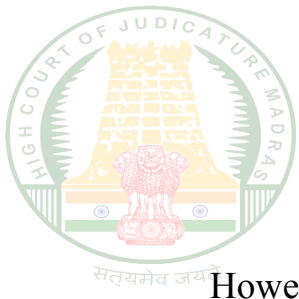


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700/- from one Veeraperumal, who accompanied with the defacto complainant. Based on the complaint given by the defacto complainant, a case has been registered by the respondent police in Cr.No.27 of 2017 against the accused persons for the offence under Sections 341, 294(b), 395, 397 of IPC. After completion of investigation, final report has been filed before the Judicial Magistrate, Mudhukulathur and taken on file as PRC No.13 of 2018. Since the offence are triable by a Court of Sessions, the case has been committed to the Court of Sessions and taken on file as S.C.No.40 of 2020 and pending before the Additional District Judge (Fast Tract Court) Paramakudi, Ramanathapuram District. In this case, totally 10 witnesses have been cited as witnesses on the side of prosecution.

4.The learned counsel for the petitioners submitted that since the petitioners have objected the illegal sand quarry, a false case has been projected against the petitioners. The defacto complainant, who is working as Manager in the sand quarry, lodged a false case based on the instructions of the owners of sand quarry. In this case, FIR was registered in the year 2017 and the final report was filed in the year 2018.



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However, trial has not yet been commenced even today. The petitioners have regularly appearing before the trial Court. The delay is caused not on the part of the petitioners. The petitioners are working in various places and the pendency of the case, cause hindrance to their avocation. They are the only bread-winners of their family. Hence, prays to allow the petition.

5.The learned Government Advocate (CrI.Side) appearing for the respondent police submitted that the petitioners have waylaid and assaulted the defacto complainant and also committed robbery. The defacto complainant has clearly stated in his complaint about the role played by each of the petitioners. It has to be tested at the time of trial. The petitioners also having bad antecedents on their credit. In this case, there are only 10 witnesses and the respondent police will produce the witnesses as and when they are summoned by the trial Court.

6.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials available on record.



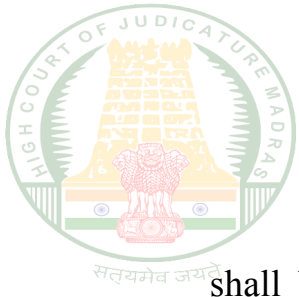
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7.Considering the nature of the offence and overt act committed by the accused persons, the contentions raised by the petitioners have to be tested only before the trial Court at the time of trial. In such circumstances, this Court is not inclined to allow this petition.

8.At this stage, the learned counsel for the petitioners submitted that the petitioners are working in different places and find it difficult to travel frequently for each and every hearing.

9.In view of the above, this criminal original petition stands dismissed. The trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this order. Considering the avocation of the petitioners, the personal appearance of the petitioners are dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners



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shall be present before the Court at the time of furnishing of copies, framing of charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment and as and when directed by the trial Court.

28.01.2025

NCC: Yes/No
Index: Yes/No
Internet : Yes/No
PNM

To

1.The Additional District Judge (Fast Tract Court),
Paramakudi, Ramanathapuram District

2. The Inspector of Police
Elanjambur Police Station
Ramanathapuram District.
Crime No.29 of 2017.

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

PNM

ORDER IN
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