



Crl.OP(MD)No.22258 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22258 of 2025

and

CRL MP(MD)NO.19183 of 2025

1.Ilaiyaraja

2.Balaji

3.Jeyarani

... Petitioners

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Madagupatti Police station,
Sivagangai District.
(Cr.No.95 of 2017)

2.Dineshkumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records on the file of the respondent / complainant and quash the FIR in crime No.95/2017 dated 08.04.2017 against the petitioners.

For Petitioner : Mr.T.Sekar

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records pertaining to the FIR in Crime No.95 of 2017 dated 08.04.2017 on the file of the first respondent police and to quash the same as illegal.

Preface:

2. This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the First Information Report in Crime No.95 of 2017 dated 08.04.2017, registered for the alleged offences under Sections 342, 323, 355, 506(1) and 379 (NH) of the Indian Penal Code, in so far as the petitioners, who are arrayed as Accused Nos.1, 2 and 4, are concerned.

3. The principal grievance of the petitioners is that though the alleged occurrence is said to have taken place on 07.04.2017 and the FIR was registered on 08.04.2017, the investigation has remained



inconclusive for more than eight years and no final report has been filed till date, thereby causing grave prejudice to the petitioners and infringing their fundamental right to speedy investigation and trial guaranteed under Article 21 of the Constitution of India.

Case of the prosecution:

4. The case of the prosecution, as reflected in the FIR, is that the *de facto* complainant was a student studying in the 9th standard at the relevant point of time. On 07.04.2017, after attending the Annual Day celebration at Leo Matriculation School, while returning home at about 9.30 p.m. near Seppalathur Four Road, the petitioners and other accused allegedly intercepted him, took his mobile phone, and forcibly took him on a motorcycle to Seppalathur Kanmai.

5. It is alleged that the *de facto* complainant was taken inside the Kanmai and was assaulted. It is further alleged that the accused persons attempted to compel him to consume liquor and, upon his refusal, forcibly poured liquor into his mouth. The fourth accused, who is stated to be the maternal aunt of the first accused, allegedly



beat him using a chappal. The third accused allegedly restrained the *de facto* complainant by holding his hands, while others assaulted him. It is also alleged that the third accused took away a silver wrist band from the *de facto* complainant.

6. It is the further case of the prosecution that upon hearing the cries of the *de facto* complainant, some villagers came to the spot, following which the *de facto* complainant managed to escape. The villagers allegedly suggested that the matter could be taken before the Panchayat the next day. Thereafter, the *de facto* complainant was taken to the hospital, where the complaint came to be registered on 08.04.2017 at about 7.30 a.m., resulting in registration of the present FIR.

Grounds for quash:

7. The petitioners have assailed the impugned FIR primarily on the following grounds that the alleged occurrence is of the year 2017 and, despite lapse of more than eight years, the respondent police have not filed the final report. That the inordinate and unexplained delay in investigation amounts to abuse of the process of law. That



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there is no specific overt act attributed to the petitioners in the FIR so as to constitute the alleged offences. That continuation of the investigation after such an enormous delay would be futile and oppressive. That the delay violates the petitioners' right to speedy investigation and trial under Article 21 of the Constitution of India. That the alleged offences are punishable with imprisonment not exceeding three years and the investigation is hit by the bar of limitation under Section 468 of the Code of Criminal Procedure, corresponding to Section 514 of BNSS, 2023.

Submissions:

8. The learned counsel for the petitioners would submit that the petitioners have been kept under the perpetual shadow of criminal proceedings for more than eight years without culmination of the investigation. It is contended that such prolonged inaction on the part of the investigating agency cannot be permitted to continue, as it causes serious prejudice to the liberty and reputation of the petitioners. The learned counsel for the petitioners would further submit that the FIR does not disclose any clear or specific overt acts against the petitioners and that the allegations are vague and



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omnibus in nature. It is also contended that continuation of the investigation at this belated stage would serve no useful purpose and would amount to sheer harassment.

9. Per contra, the learned Additional Public Prosecutor appearing for the first respondent would submit that the allegations in the FIR are serious in nature and that the investigation could not be completed due to various reasons. It is contended that mere delay in investigation cannot, by itself, be a ground to quash the FIR, particularly when the allegations disclose commission of cognizable offences.

10. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration:

11. The point that arises for consideration is whether the FIR in Crime No.95 of 2017 is liable to be quashed on the ground of inordinate and unexplained delay in investigation, resulting in violation of the petitioners' right to speedy investigation and trial?



Analysis:

12. It is not in dispute that the alleged occurrence took place on 07.04.2017 and the FIR was registered on 08.04.2017. It is also an admitted fact that, as on date, no final report has been filed by the respondent police. The offences alleged in the FIR are punishable with imprisonment not exceeding three years. The statutory mandate under Section 468 of the Code of Criminal Procedure, now Section 514 of BNSS, 2023, prescribes a period of limitation for taking cognizance of such offences. The right to speedy investigation and trial is an integral facet of Article 21 of the Constitution of India. Prolonged and unexplained delay in investigation defeats the very purpose of criminal justice administration and subjects the accused to mental agony and uncertainty.

13. In the present case, the respondent police have not offered any satisfactory explanation for the inordinate delay of more than eight years. Permitting the investigation to continue at this stage would only result in abuse of the process of law. This Court is of the considered view that continuation of the criminal proceedings in



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such circumstances would be oppressive and would amount to a violation of the fundamental rights of the petitioners.

14. In view of the foregoing discussion, this Court is satisfied that the impugned FIR in Crime No.95 of 2017 cannot be permitted to survive any longer.

15. Accordingly, this Criminal Original Petition is allowed. The FIR in Crime No.95 of 2017 dated 08.04.2017 on the file of the first respondent police is quashed, in so far as the petitioners (A1, A2 and A4) are concerned. Consequently, the connected miscellaneous petition is closed.

15.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml
To

- 1.The Inspector of Police,
Madagupatti Police station,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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