Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 28-10-2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**CRL OP No. 31121 of 2026**

CNR:{HCMA012539432026}

**AND**

**CRL MP Nos.20607 & 20608 OF 2026**

E.Perumal
S/o Ellapillai,
No.301, Thiruvallur Residential Colony,
Poonja Arasanthangal,
Kancheepuram District.

..Petitioner(s)

Vs

The State rep. by, The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District.
Crime No.127 of 2000.

..Respondent(s)

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records pertaining to the proceedings pending in SC.No.31 of 2025 pending on the file of Additional District Court(FTC), Arni, Tiruvannamalai District and quash the same in so far as this Petitioner is concerned.

For Petitioner(s): Mr.S.Sathish Rajan

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

**Order**

This Criminal Original Petition has been filed to call for the records pertaining to the proceedings pending in SC.No.31 of 2025 pending on the file



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of Additional District Court(FTC), Arni, Tiruvannamalai District and quash the same in so far as this Petitioner is concerned.

2.The case of the prosecution is that the petitioner, who is arrayed as A1, along with his brothers, who are arrayed as A2, A4 and A5, allegedly hired the other accused persons to wreak vengeance on the defacto complainant and one Punjai Selvaraj, who had questioned the petitioner and his brothers regarding a dispute over playing cricket near the land adjacent to the petitioner's property. In furtherance of the same, on 03.03.2000, at about 10.30 p.m., the accused persons allegedly came to Abdhullapuram Village with an intention to commit mischief and trespassed into the grocery shop belonging to one Annamalai Mudaliar and damaged the property by picking up and throwing the bottles kept in the shop. They also allegedly trespassed into the house of one Punjai Selvaraj and caused damage to the furniture. Further, all the accused persons allegedly caused damage to the tea shop belonging to one Elumalai, the grocery shop belonging to one Murugesan and the barber shop belonging to one Munusamy, thereby causing a loss of Rs.4,000/-. At the same time and place, the petitioner, with an intention to commit the murder of one Adanjan (L.W.7), allegedly attacked him with a stick on his forehead and caused simple injuries. It is further alleged that A2 assaulted one Azhagiri (L.W.10) with a stick and caused simple injuries.



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3.On the basis of the above allegations, the petitioner has been implicated in Crime No.127 of 2000 on the file of the respondent police and arrayed as A1 for the alleged offences under Sections 147, 148, 323, 451 and 307 of the IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act, read with Section 149 of the IPC.

4.Heard the learned counsel appearing on either side and perused the materials placed on record.

5.On a perusal of the records, it is seen that the FIR was registered in the year 2000, and after completion of the investigation, the charge sheet was filed and taken cognizance of by the trial Court. Subsequently, the case was transferred to the file of the learned Additional District Court (FTC), Arni, Tiruvannamalai District, and renumbered as S.C.No.31 of 2025. However, even after the lapse of 26 years, not a single witness has been examined on the side of the prosecution. During the pendency of the trial, the accused arrayed as A2, A4, A5, A7 and A8 died. Further, most of the witnesses, including two of the victims, are also no more. It is further seen from the records that the occurrence allegedly arose out of a dispute relating to playing cricket in the village. The accused persons allegedly came in an auto-rickshaw and threatened the members of the general public.


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6.On a perusal of the records, it is also seen that only two persons sustained simple injuries. Despite the lapse of 26 years since the registration of the FIR, the prosecution has not examined even a single witness during the trial. The right to a speedy trial is an integral part of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. In the present case, the inordinate and unexplained delay in the commencement of the trial, coupled with the death of several accused persons and material witnesses, has seriously prejudiced the accused and caused them irreparable hardship. In these circumstances, permitting the prosecution to continue the proceedings after such an inordinate delay would amount to a violation of the accused's fundamental right to a speedy trial guaranteed under Article 21 of the Constitution of India. Therefore, this Court is of the considered view that the continuation of the criminal proceedings would serve no useful purpose and that the same is liable to be quashed.

7.Accordingly, this Criminal Original Petition stands allowed. The proceedings in S.C.No.31 of 2025, pending on the file of the learned Additional District Court (FTC), Arni, Tiruvannamalai District, is hereby quashed insofar as all the accused are concerned. Consequently, the connected Miscellaneous Petitions are closed.

**28-10-2026**

AH


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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1.The Additional District Court (FTC),
Arni,
Tiruvannamalai District.

2.The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,
High Court,
Madras.



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**G.K.ILANTHIRAIYAN J.**

**AH**

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