



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.1772 of 2024

and

Crl.M.P.(MD) Nos.1310 and 1312 of 2024

Kalirajan

... Petitioner

Vs.

State rep., through
The Inspector of Police,
Veeravanallur Police Station,
Cheranmahadevi, Tirunelveli District.

.. Respondent

PRAYER: This Criminal Original Petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in C.C.No.80 of 2014 pending before the Judicial Magistrate, Cheramahadevi and quash the same against the petitioner/ A1 alone.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.M.Sakthikumar

Government Advocate (Crl.side)



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ORDER

Seeking quashment of the final report in C.C.No.80 of 2014 pending on the file of the learned Judicial Magistrate, Cheranmahadevi, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that the petitioner is a practicing advocate. A criminal case in Crime No.260 of 2013 came to be registered as against the petitioner and another one for the offence under Section 379 of IPC for sand theft. The case of the prosecution is that while the respondent police on surveillance in North of the Giryammalpuram Village near Thamirabharani River, they found a Swaraj Mazda Mini Lorry, in which, the petitioner and another person transported sand to the quantity of 1/4 unit worth Rs.1,000/-, following which, a first information report in Crime No.260 of 2013 was registered and the same has culminated in laying a charge sheet in C.C.No.80 of 2014 before the learned Judicial Magistrate, Cheranmahadevi. He categorically contended that impugned charge sheet is baseless and sought for quashment of the same.



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3.The learned Government Advocate (Crl.side), on instructions, submitted that the petitioner is a habitual offender and as many as nine previous cases, which are similar in nature, has been registered and disposed of as against the petitioner and sought for dismissal of this petition. He further submitted that the statement of L.W.1 to L.W.3 would reveal that the petitioner had escaped from hands of the respondent, police.

4.Heard the learned counsel on either side and carefully perused the materials available on record.

5.A careful reading of the statement given by L.W.1 to L.W.3, it is clearly understood that the offence as against the petition is made out. Therefore, I do not find any merit in this petition and accordingly, this Criminal Original Petition is Dismissed. Consequently, connected Miscellaneous Petitions are closed.



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6. Considering that the petitioner is a practicing advocate, the personal appearance of the petitioner is ordered to be dispensed with on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C./351 BNSS, and at the time of passing judgment and on all the hearings, specifically directed by the learned Trial Court.

7. The petitioner shall appear before the Court in the event their presence is insisted by the learned Trial Judge for the purpose of identification. If the petitioner adopt any dilatory tactics, it is open to the learned Trial Court to insist for their appearance and deal with the petitioners in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of *State of UP Vs., Shambunath Singh*.

27.01.2026

NCC : Yes/No
Index : Yes / No
Rmk



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To

1.The Judicial Magistrate, Cheramahadevi.

2.The Inspector of Police,
Veeravanallur Police Station,
Cheranmahadevi, Tirunelveli District.

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



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L.VICTORIA GOWRI,J.,

Rmk

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