

Crl.O.P.No.9626 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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.. Petitioner

Versus

1. The State Rep by
The Inspector of Police,
N-2 Kasimedu Police Station,
Chennai District.
(S.C.No.302 of 2013)

2. Jayaraman

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in S.C.No.302 of 2013 pending on the file of the XVI Additional City Civil Court at Chennai and quash the same.

For Petitioner : Mr.S.Varatharajan

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side)

: No appearance for R2



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ORDER

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This Criminal Original Petition is filed to quash the Final Report and all further proceedings in S.C.No.302 of 2013 pending on the file of the XVI Additional City Civil Court, Chennai.

2. The case of the petitioner is that the petitioner is a native of Tiruvannamalai District. While so, he was wrongly implicated as an accused in Crime No.521 of 2010. The de facto complainant made a complaint that totally 11 persons waylaid him and threatened at the knife point and robbed him of Rs.5,500/- and a cell phone. Thereafter, a Final report was filed and originally, the case was committed and taken on file as S.C.No.147 of 2013. It can be seen that even during the trial, *P.W.1* and *P.W.2* did not support the case of the prosecution and after considering the evidence on record which included the oral evidence of *P.W.1* to *P.W.8* and marking of *Ex.A-1* to *Ex.A-15* and *Ex.M.O.1*, the Trial Court found that the prosecution could not prove the case and acquitted the accused No.7 who stood trial.

3. It is the case of the petitioner that he was very much present either in Guduvanchery or in his native and don't know why the summons



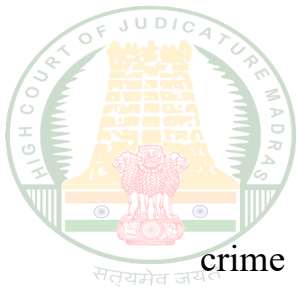
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was not served on him immediately. With reference to the other accused, the case was proceeded in S.C.No.130 of 2017 and as many as seven other accused were acquitted by the judgment, dated 14.07.2017. Even in the said proceedings, once again, eight witnesses were examined and the documents in *Ex.A-1* to *Ex.A-15* and *Ex.M.O.1* were marked. The Trial Court again took into consideration of the fact that the key witnesses did not support the case of the prosecution and acquitted all the accused.

4. At this stage, when the warrant was executed, the petitioner was in prison for a total number of 242 days. After coming out on jail, the present application is filed before this Court. This Court directed the petitioner to file an affidavit about his antecedents and his avocation. The petitioner has also complied with the same and filed an affidavit that he has no other antecedent and he was staying only with his sister at Guduvanchery. His sister has also filed a supporting affidavit.

5. I have considered all the above and also heard the learned Government Advocate (Crl. Side) for the first respondent.

6. When, repeatedly, trial has been conducted in the very same



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crime number and the key witnesses have not supported the prosecution case and all the accused have so far been acquitted one after the other, the trial that is proposed to be conducted as against the present accused, will also be an empty formality. Upon going through the records, the learned Government Advocate (Crl. Side) is not in a position to point out any other specific material as against the petitioner which will differentiate the case of this petitioner. The case of this petitioner is also on the same footing as that of the acquitted accused.

7. In view thereof, this Criminal Original Petition stands allowed. The case in S.C.No.302 of 2013, pending on the file of the XVI Additional City Civil Court, Chennai shall stand quashed.

07.07.2026

Neutral Citation : no
grs

To

1. The XVI Additional City Civil Court,
Chennai.
2. The The Inspector of Police,
N-2 Kasimedu Police Station,
Chennai District.



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3. The Public Prosecutor,
High Court of Madras.

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D.BHARATHA CHAKRAVARTHY, J.

grs

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