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CRL OP No. 14505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24-07-2026

PRONOUNCED ON : 29-07-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL OP No. 14505 of 2023
and Crl.MP.No.8987 of 2023**

S.Bharath

S/o. Sivakumar, No.28, Vandikara Street,
West Mambalam, Chennai 600033.

..Petitioner(s)

Vs

1.State Rep By Sub Inspector of Police,
R8, Vadapalani Police Station, Chennai.

2.Aravind

S/o. Thiyagarajan, No.730, 100th Street,
15th Sector, K.K.Nagar, Chennai.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC.No.3992/2013 on the file of the XVII Metropolitan Magistrate, Saidapet, and quash the same.

For Petitioner(s):

Mr.M.Govindaraju

For Respondent(s):

Mr.A.Amarnath (for R1)

Counsel for Government of Tamilnadu
(Crl.Side)

R2 - SERVED - NO APPEARANCE

ORDER

The Criminal Original Petition is filed by the petitioner/A7 to quash the impugned final report in C.C.No.3992 of 2013 filed for the



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offences under Sections 147, 341, 325 and 506(ii) of the IPC, before the learned XVII Metropolitan Magistrate, Saidapet.

2. The allegations in the final report are that the complainant and three juvenile accused had prior enmity on account of the juvenile accused teasing two girl students, who studied along with the complainant and the juvenile accused; that at the instance of the juvenile accused, the petitioner/A7 along with four others, who are arrayed as A4, A5, A6 and A9 in the final report had attacked the complainant and his friends by hands and caused injuries to the complainant.

3. The learned counsel for the petitioner would submit that the impugned final report cannot be sustained since there is no evidence to connect the petitioner with the alleged crime; that the petitioner along with the other accused and the juvenile accused were all studying in a College at the relevant point of time; that the defacto complainant himself had agreed not to pursue the case; that the case is pending for the past 13 years for an alleged occurrence that took place 15 years ago; that admittedly, the petitioner was not known to the defacto complainant or to



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the other witnesses; that no identification parade was conducted to implicate the petitioner; that the juvenile accused were also acquitted by the Juvenile Justice Board; and that considering the delay, the above facts and lack of evidence, prayed that the impugned final report may be quashed.

4 (i). The learned counsel for Government of Tamilnadu (Crl.Side) *per contra* submitted that the points raised by the petitioner cannot be adjudicated in this petition as it is a matter for the trial and that it is a fact that the Juvenile Justice Board had acquitted the juvenile accused, who have been prosecuted pursuant to the impugned final report.

(ii). The learned counsel for Government of Tamilnadu (Crl.Side) has also fairly conceded that no identification parade was conducted to fix the identity of the petitioner.

5. In spite of notice to the respondents and his name being printed in the cause list, none has entered appearance.

6. The alleged occurrence took place in the year 2011. All the accused were aged between 17 and 20 years at the time of the occurrence.



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The juvenile accused viz., A1 to A3 were tried before the Juvenile Justice Board admittedly and were acquitted. The trial in this case is pending for nearly 13 years. It is the case of the petitioner that the defacto complainant and other witnesses themselves are not interested in pursuing the case. There is nothing to substantiate that fact.

7. Be that as it may. The statements of all the witnesses would indicate that none of them knew the petitioner or the other accused except the juvenile accused. All of them would uniformly state that the juvenile accused called a few persons over phone and a group of persons attacked them. No identification parade was conducted to confirm the identity of the petitioner or the other accused. The petitioner was implicated only on the confession of the co-accused, i.e., the juvenile accused, who were known to the complainant and other eyewitnesses.

8. Since the alleged occurrence took place in the year 2011, the first time identification in the dock after 15 years, even assuming that the trial is allowed to go on, would be of no avail to the prosecution. It is stated that some of the accused are absconding and warrant is pending.



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9. Therefore, in the absence of any acceptable legal evidence to implicate the petitioner and also since any identification now would be of no avail, as stated above, this Court is of the view that it would be a futile exercise to permit the prosecution to continue, especially, since it is stated that all the accused who were aged between 17 and 20 years at the time of occurrence, have moved forward in their lives and are well settled.

10. Hence, the Criminal Original Petition is allowed and the impugned final report in C.C.No.3992 of 2013 on the file of the learned XVII Metropolitan Magistrate, Saidapet, is quashed. Consequently, the connected Criminal Miscellaneous Petition is closed.

29-07-2026

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

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SUNDER MOHAN, J.

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To

1. The VII Metropolitan Magistrate,
Saidapet.
2. The Sub Inspector of Police,
R8, Vadapalani Police Station, Chennai.
3. The Public Prosecutor,
High Court, Madras.

**Pre-delivery Order in
CRL OP No. 14505 of 2023**

29-07-2026