



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRL OP No. 17739 of 2026
and Crl.M.P.No.11485 of 2026**

Venkatesh @ Venkatasubramaniam
S/o. Venugopal,
2/66, Solapadi,
Subramaniam Street,
Shevapet,
Salem.

..Petitioner(s)

Vs.

State of Tamil Nadu Rep.by, The Inspector of
Police,
B5, Singanallur Police Station,
Coimbatore.
Cr.No.964 of 2009.

..Respondent(s)

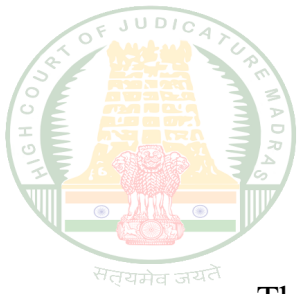
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for records in SC.No.183 of 2017 on the file of the learned Principal District and Sessions Judge, Coimbatore and quash the final report dated 25.02.2026 in the interest of Justice and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s):

Mr.R.Muniyapparaj

For Respondent(s):

Mr.M.Mohamed Riyaz
Government Advocate (Criminal Side)



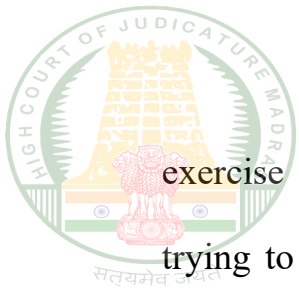
ORDER

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This Criminal Original Petition is filed to call for the records in S.C.No.183 of 2017 on the file of the Principal District and Sessions Court, Coimbatore and to quash the final report dated 25.02.2026.

2. Upon hearing Mr.R.Muniyapparaj, the learned counsel for the petitioner the primary grievance of the petitioner is that the petitioner is the accused No.1 in the above case. The sessions case is of the year 2017. While so, after the entire evidence is over and the matter is ripe for arguments, at that stage the prosecution submits that it realised that even though the specimen was preserved for DNA test and FTA card was also made ready, without obtaining the report from the forensic department, the final report dated 27.08.2011 was filed by the respondent – Police before the Court below. The prosecution filed an application under Section 173(8) of Cr.P.C. The same is erroneously allowed by the trial Court and pursuant thereto, the biological samples that were collected from the deceased were subjected to forensic examination, culminating in a supplementary final report dated 25.02.2026.

3. According to the learned counsel for the petitioner the samples were retained beyond the permissible period and it should be presumed that the samples were contaminated and the report cannot be accepted at all. The entire



exercise is done in violation of the right of the accused. The prosecution is trying to fill up the lacuna especially at the argument stage when the learned counsel for the accused has duly cross examined all the prosecution witnesses. He would further submit that several things were not brought to the notice of this Court, in the earlier round of litigation.

4. I have considered the rival submissions made on either side and also perused the decisions relied upon by the learned counsel for the petitioner in ***Kattavellai @ Devakar Vs. State of Tamilnadu***¹ and also the other decisions relied upon by him. I also heard the learned Government Advocate (Criminal Side) appearing for the respondent – Police.

5. In this case, trial is over and aggrieved by the permission for further investigation, granted by the trial Court in Crl.M.P.No.5 of 2025, the petitioner had moved this Court by way of Criminal Revision Case No.2093 of 2025 raising the very same grounds. This Court noted the delay and the prejudice that is pleaded by the accused. However, it ultimately decided that in any event, the right of the prosecution to establish the case cannot be denied and dismissed the revision. The findings made by this Court in paragraph Nos.4 and 5 are attracted here under for ready reference:-

“4.It is no doubt true that the alleged occurrence is of

¹ (2025) SCC OnLine SC 1439



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the year 2009 and that an accused cannot be subjected to the ordeal of a criminal trial endlessly. At the same time, the right of the prosecution to establish its case also cannot be denied. It is now reported that the DNA report has already been obtained and that the further report would be filed shortly. The petitioner would always be at liberty to challenge the DNA report before the Trial Court, if according to him the same cannot be accepted.

5. Therefore, this Court is not inclined to interfere with the impugned order. However, liberty is granted to the petitioner to raise all objections with regard to the further report sought to be filed by the respondent. Accordingly, this Criminal Revision Case stands dismissed. Considering the fact that the alleged occurrence took place in the year 2009, the respondent is directed to file the further report within a period of three weeks from the date of receipt of a copy of this order. The Trial Court is further directed to complete the trial within a period of four months thereafter.”

6. There is no question of review of the order passed in Criminal Revision Case No.2093 of 2025 in view of the bar under section 362 of Cr.P.C. When successive quash petitions are filed which are nothing but a review in disguise, the Hon’ble Supreme Court of India in ***M.C.Ravikumar Vs. D.S.Velmurugan and Others***² has considered exactly the situation. When the review or reconsideration of the order in Criminal Revision Case No.2093 of 2025 is not possible, in order to overcome the same, the second quash petition cannot be maintainable with reference to the very same grievance by making a prayer to quash the final report.

7. In view of the dictum laid down in ***M.C.Ravikumar***’s case (cited *supra*) this Criminal Original Petition is not maintainable, especially when the

² (2025) INSC 888



order made in Criminal Revision Case No.2093 of 2025 has become final. More importantly, not even the details of the Criminal Revision Case is mentioned in the detailed petition filed by the petitioner. Therefore, the petitioner's petition also suffers from suppression of the order in the Criminal Revision Case No.2093 of 2025.

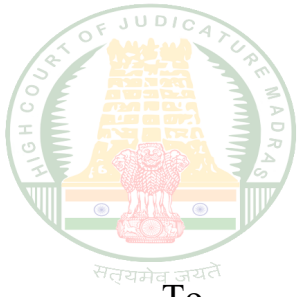
8. In any event, when the above order is only with reference to ordering further enquiry and permitting the final report, that by itself wouldn't decide the questions as to the relevance and proof relating to the additional evidence that is let in by the prosecution. It has to be tested in the trial. The said position has been made clear even in paragraph 4 of the earlier order dated 04.02.2026 in Criminal Revision Case No.2093 of 2025 that the petitioner will have the liberty to challenge the DNA report before the trial Court by appropriately cross examining the witnesses who are examined in that regard.

9. In view of the above, this Criminal Original Petition cannot be entertained and as such shall stand disposed of. Consequently, the connected miscellaneous petition is closed.

13-07-2026

Neutral Citation: Yes/No

JER



D.BHARATHA CHAKRAVARTHY, J.

JER

To

- 1.The Principal District and Sessions Judge, Coimbatore.
- 2.The Inspector of Police,
B5, Singanallur Police Station,
Coimbatore.
Cr.No.964 of 2009.
- 3.The Public Prosecutor
High Court of Madras.

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