



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P.(MD)No.17069 of 2026

and

Crl.M.P(MD)Nos.16510 & 16511 of 2026

Karthick

...Petitioner/Accused No.3

Vs

State of Tamilnadu,
Rep by Inspector of Police,
Thiruchuli Circle Police Station,
Virudhunagar District.
(Crime No. 157 of 2012)

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to pass an order to call for the records pertaining to the impugned charge sheet in S.C.No.254 of 2023 pending before the learned Additional District Judge, Aruppukottai, Virudhunagar District, and quash the same as illegal so far as against the petitioner/Accused No.3 concern.

For Petitioner	: M/s.D.Balamurugapandi
For Respondent	: M/s.P.Samuel Gunasingh Counsel for State of TN(Crl.Side)



ORDER

The present petition has been filed by A3 in S.C.No.254 of 2023, on the file of the learned Additional District Judge, Aruppukottai, Virudhunagar District, seeking to quash the charge sheet wherein he is charged with the offences under Sections 147, 148, 294(b), 341, 323, 353, 336 of IPC and Sections 3(1) and 5 of TNPPDL Act, 1992 r/w Section 149 of IPC.

2. The petitioner and 40 others were initially implicated in S.C.No.98 of 2014, on the file of the Additional District and Sessions Court, Virudhunagar. The petitioner was arrayed as A17. Since A12, A16, A17, A26, A35 and A36 were absconding. Their cases were were split up and numbered as S.C. No.34 of 2023. After trial, the rest of the accused persons in S.C.No.98 of 2014, were acquitted by an order dated 15.09.2023.

3. A12, A17, A35 and A36 were still absconding and therefore, S.C.No.34 of 2023, was further split up, wherein A16 and A26 alone were the accused persons. S.C.No.34 of 2023, was disposed of by the dedicated Bench of this Court in a *Suo motu* TR.(MD)No.11493 of 2025, wherein P.R.C.No.1 of 2021, was quashed on 03.09.2025 which resulted in acquittal of A16 and A26.

4. Accused persons, namely, A12, A17, A35 and A36, who are absconding and got split up from S.C.No.34 of 2023, were arrayed as an accused in S.C.No. 254 of 2023. The present application has been filed by A17 in original S.C.No. 98 of 2014, who is now arrayed as A3 in S.C.No.254 of 2023, seeking to quash the charge sheet.



5. According to the learned Counsel appearing for the petitioner, the dedicated Bench in its order dated 03.09.2025, in *Suo motu* TR(MD)No.11493 of 2025, had specifically pointed out that when the evidence is inseparable and indivisible, the absconding co-accused persons need not undergo the trial. Admittedly, the allegations as against the petitioner herein who was an absconding accused in S.C.No.98 of 2014 as well as in S.C.No.34 of 2023, remains inseparable and indivisible from the evidence recorded in C.C.No.98 of 2014.

6. In such view of the matter, continuation of the criminal proceedings as against the petitioner herein would only be an abusive process of law and in such circumstances, the charge sheet as against A3 (original A17 in C.C. No.98 of 2014) stands quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

11.08.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



To

1. The learned Additional District Judge,
Aruppukottai, Virudhunagar District.

2. The Inspector of Police,
Thiruchuli Circle Police Station,
Virudhunagar District.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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