



Crl.O.P.No.23152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Crl.M.P.No.13145 of 2024

Vinayagamoorthy

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Korattur Police Station,
Cr. No.779 of 2006

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C., to call for the records in S.C.No.2 of 2007 on the file of the learned Principal Sessions Judge, Tiruvallur, now split and renumbered as S.C.No.162 of 2007 on the file of the learned 2nd Additional District and Sessions Judge, Poonamallee and set aside the charges framed against the petitioner.

For Petitioner : Mr.G.Sriram

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

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This petition has been filed to quash the proceedings in S.C.No.162 of 2007 on the file of the learned II Additional District and Sessions Judge, Poonamallee.

2. The case of the prosecution is that on 02.06.2006 at about 10.30 am., when the deceased was inside his office, some accused persons entered into the office and stabbed him with knives, due to which he sustained multiple injuries and died. It is alleged that due to political enmity, the petitioner and others engaged the accused persons to murder the deceased. On information, the respondent police registered the FIR in crime No.779 of 2006 and after completion of investigation filed final report and the same has been taken cognizance in S.C.No.2 of 2007 on the file of the learned Principal Sessions Judge, Tiruvallur. Thereafter, the case has been split up as against the petitioner and A13 and re-numbered as S.C.No.162 of 2007 on the file of the learned II Additional District and Sessions Judge, Poonamallee.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A3. The original case in S.C.No.2 of 2007



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is ended in acquittal, by the Hon'ble Supreme Court of India in Crl.A.Nos.639 of 2010 & 496 of 2012 dated 10.01.2023, insofar as the other accused persons are concerned. He further submitted that the same witnesses are going to be deposed in the split up case in S.C.No.162 of 2007, as against the petitioner & A13. Hence, he prayed to quash the proceedings.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. It is relevant to rely upon the judgment reported in **2007 (1) LW (Crl.) 514** in the case of **Tamilmaran Vs. State**, in which this Court held that in the event of acquittal of the other accused disbelieving the entire prosecution case, no useful purpose would be served for putting the accused to undergo the ordeal of trial. The said case is in reliance of the judgment reported in **2000 (1) Crimes 73** in the case of **Sunil Kumar Vs. State**. Admittedly, same witnesses are going to be examined. Therefore, the above decision is squarely applicable to the case on hand.



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6. In view of the above, no purpose would be served if the trial continues. Now the split up case is pending as against the petitioner & A13. Though A13 did not file any quash petition, it applies to him also. Therefore, the entire proceedings in S.C.No.162 of 2007 on the file of the learned II Additional District and Sessions Judge, Poonamallee, is hereby quashed as against the petitioner as well as A13.

7. Accordingly, and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

06.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The II Additional District and Sessions Judge,
Poonamallee.
2. The Inspector of Police,
Korattur Police Station.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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