



Crl.O.P.No.21045 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.21045 of 2025

Selvakumar

... Petitioner

Vs.

1.The Inspector of Police,
Kairlabath Police Station,
Ariyalur District.

2.Ajith

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records and quash the Summary Trial Case in S.T.C.No.430 of 2025 on the file of the Judicial Magistrate No.1 at Ariyalur.

For Petitioner : Mr.T.Arunkumar
for M/s.Tamizh Law Firm

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

For R2 : Mr.R.Selvakodi



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ORDER

The criminal proceedings in S.T.C.No.430 of 2025 on the file of the Judicial Magistrate No.1 at Ariyalur, against the petitioner/accused for the offences under Section 296(b) and 115(2) BNS, is sought to be quashed in this Criminal Original Petition.

2.The crux of the charges as against the petitioner/accused is that he abused the *de facto* complainant in a filthy language and punched on his face, thereby, the *de facto* complainant sustained injuries.

3.Heard the learned counsel on either side and perused the entire materials available on record.

4.Though the prosecution has relied upon one Vengadesan (L.W.2) as eye-witness, he has not supported the case of the prosecution and the other witness Annamalai (L.W.3) is only a hearsay witness. The so-called injured witness/*de facto* complainant is also is not available in India. According to



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the petitioner, he is settled abroad for his job permanently. It is stated that the father of the *de facto* complainant has been examined as P.W.1. He is present before this Court today. He would submit that his son is not likely to come in near future as he had left the country for his job only before three months.

5.Further, there is no medical opinion given by the Doctor, since the *de facto* complainant has not cooperated for the treatment and left the hospital. Therefore, even to find out the nature of the injuries sustained, there is no medical evidence available on record.

6.The statements of other witnesses relied upon by the prosecution have also not made out any concrete incriminating materials against the accused. The father of the *de facto* complainant, who is present today before this Court, submitted that he is no longer interested in prosecuting the matter. His submission is also recorded by this Court.

7.Considering the nature of the charges which is only trivial in nature, which has not been proved, this Court is of the view that the



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petitioner need not undergo the ordeal of trial to complete the formalities of examining all the witnesses, which will not serve any purpose. The father of the *de facto* complainant is examined as P.W.1 and his evidence indicates that he is not an eye-witness and he is only a hearsay witness. Further, now P.W.1 submits that his son is also settled in abroad and he is no longer interested in prosecuting the matter.

8.It is also relevant to note that the petitioner/accused has recently got selected in the Combined Civil Services Examination (Group-IIA Services) conducted by the Tamil Nadu Public Service Commission and his appointment and posting is based on the outcome of this criminal case. When there no charges made out as against the petitioner/accused despite examination of witnesses, this Court is of the view that, mere pendency of this criminal case, which will result in acquittal, should not be a hindrance in the accused getting his job in the Government service.

9.In view of the above, this Court is inclined to quash the entire final report. Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in S.T.C.No.430 of 2025 on the file of the Judicial



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Magistrate No.1 at Ariyalur, is quashed. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Judicial Magistrate No.1,
Ariyalur.

2.The Inspector of Police,
Kairlabath Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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