



WEB COPY

CRL OP No. 24172 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 24172 of 2025

Pandiyan @ Thirumuruga Pandiyan
S/o.Ponraman,
Athanur Patti, Vazhapadi Taluk,
Salem District.

Petitioner

Vs

The State Rep.by its,
The Inspector of Police,
Hasthampatty Police Station,
Salem District.

Respondent

PRAYER

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned STC No.4440/2025 on the file of the learned Judicial Magistrate-III, Salem dated 08.06.2025 and to quash the same and pass such other further order or orders as this Honble Court may deem fit and proper in the circumstances of the case.



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For Petitioner(s): M/s.P.Vijendran

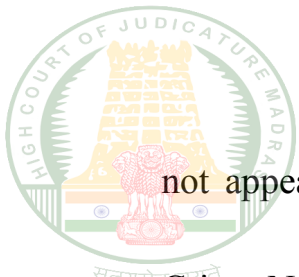
For Respondent: Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the impugned charge sheet/final report dated 08.06.2025 filed in STC No.4440/2025 on the file of the learned Judicial Magistrate-III, Salem and to quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

3. The petitioner is the accused in Crime No.333 of 2010 and he was charged for the offences punishable under Sections 147, 364, 302 read with 149, 506(ii) and 201 of IPC. This Court, vide order dated 27.09.2024 in CrI.O.P.No.23898 of 2024, while granting bail to the petitioner, imposed a condition that the petitioner/accused shall report before the Trial Court on all workings days at 10.30 am until further orders. As the petitioner/accused had



not appeared before the trial Court from 28.10.2024 till 07.11.2024, F.I.R in

Crime No.380 of 2024 came to be filed under Section 269 of the BNS which

resulted in filing of final report. The main contention of the learned counsel for

the petitioner is that the petitioner was arrested on 01.8.2024 and he obtained

anticipatory bail on 27.9.2024. According to the petitioner, he was already

detained under the Act-14 of 1982 and detention order was passed on

08.10.2024 itself. He was released on 22.11.2024 only. Hence, the petitioner

could not appear before the Trial Court.

4. The learned Additional Public Prosecutor appearing for the respondent-Police fairly conceded that the accused was detained under the Act-14 of 1982 on 08.10.2024 and the detention order was revoked only on 22.11.2024.

5. In such view of the matter, when a person was already detained in some other case, particularly under the Tamil Nadu Act-14 of 1982 directing him to comply with the bail condition, is improbable. Hence, Section 269 of the BNS cannot be invoked against him.



6. It is seen that there is no wilful disobedience of the order of the Court.

Hence, the impugned charge sheet /final report dated 08.06.2025 made in STC

No.4440 of 2025 on the file of the Judicial Magistrate Court No.III, Salem is

hereby quashed. In view of the same, this Criminal Original Petition is

allowed.

09-09-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.III,
Salem.

2. The Inspector of Police,
Hasthampatty Police Station, Salem
District.

2. The Public Prosecutor,
High Court, Chennai.



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N.SATHISH KUMAR J.

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