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Crl.O.P.No.26142 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No. 26142 of 2025
and
Crl.M.P.Nos.17793 and 17795 of 2025

Banumathy @ Banu

... Petitioners

Vs.

1. State of Tamil Nadu,
Represented by
The Assistant Commissioner of Police,
Vepery Range,
Vepery, Chennai – 7
[G1 – Vepery Police Station
Crime No.98 of 2022]

2. Loganathan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in Spl.S.C.No.61 of 2025 pending on the file of the Special Court for trial of offences under the SC & ST (Prevention of Atrocities) Act, 1989/Principal Sessions Court, Chennai and quash the same insofar as the petitioner/A4 is concerned.

For Petitioner : Mr.N.S.Sivakumar
For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)
for R1



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in Spl.S.C.No.61 of 2025 pending on the file of the Special Court for trial of offences under the SC & ST (Prevention of Atrocities) Act, 1989 / Principal Sessions Court, Chennai, insofar as the petitioner/A4 is concerned.

2. The case of the prosecution is that on 25.03.2022 at about 5.30 a.m., Purushothaman/A1, attacked his wife, who is the mother of the second respondent herein/*de-facto* complainant and his younger sister with a knife. A2 to A4 abetted such assault as against the second respondent's mother. Based on the complaint given by the second respondent herein, the first respondent-Police registered a case in Crime No. 98 of 2022 for the offences punishable under Sections 294(b), 109, 307 and 506(ii) IPC read with Section 34 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On completion of investigation, a charge sheet in Spl.S.C.No.61 of 2025 was filed against the petitioner herein/A4 and others.



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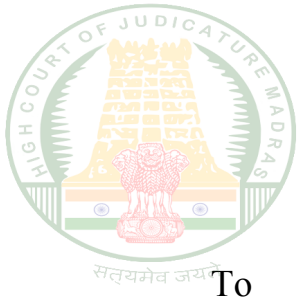
3. Considering the facts and circumstances, this Court is of the view that there are clear materials as against A1. Hence, the trial Court shall proceed with the trial against A.1. Even the trial Court on finding any material, can take note of the materials and if no cognizable offence is made out as against A4, the trial Court may discharge the petitioner/A4 also.

4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

5. At this juncture, the learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner/A4 before the trial Court. Taking into consideration the facts and circumstances of the case, the presence of the petitioner/A4 is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C. / Section 351 of the BNSS and on the date of pronouncing judgment and on any other dates as fixed by the trial Court.

23.09.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Principal District and Sessions Judge,
Special Court for trial of offences under the
SC & ST (Prevention of Atrocities) Act, 1989
Chennai.
2. The Assistant Commissioner of Police,
Vepery Range,
Vepery, Chennai – 7.
3. The Public Prosecutor,
High Court, Madras.



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N. SATHISH KUMAR, J.

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