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Crl.O.P.No.359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.359 of 2025
and Crl.M.P.Nos.142 & 143 of 2025

Senthil (a) Senthil Kumar

... Petitioner

Vs

1.The State of Tamil Nadu Represented by
The Inspector of Police,
Mettur Police Station,
Mettur, Salem District.

2.Prakash (a) Sivaprakash

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
pleased to call for the records on the file of the learned 1st Additional
District Court, Mettur, Salem District in S.C.No.145/2014 and quash the
same.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondent 1 : Mr.S.Sugendran,
Additional Public Prosecutor



Crl.O.P.No.359 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to call for the records in S.C.No.145 of 2014 on the file of the learned 1st Additional District Court, Mettur, Salem District and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent and perused the materials available on record.

3. Originally, a case in S.C.No.4 of 2010 was registered as against eight accused, out of whom, the case was split up with respect to the petitioner herein for the reason that he was absconding and the case was dismissed as abated with respect to another accused namely Saravanan. Since the petitioner was absconding, case in S.C.No.4 of 2010 was split up as against the petitioner herein and the same was numbered as SC.No.145 of 2014 on the file of the I Additional District Court, Mettur. The District Court vide order dated 09.01.2017 in S.C.No.4 of



CrI.O.P.No.359 of 2025

WEB COPY

2010 convicted the accused for the offence under Sections 148, 341 and 302 IPC. Subsequently, the convicted accused filed the appeal before this Court. This Court vide order dated 09.01.2017 allowed the appeal and acquitted them from all the charges. The petitioner who was all along found absconded and after knowing that the other accused were acquitted from the charges, has filed the present petition to quash S.C.No.145/2014. If this type of petition is entertained, the accused will adopt the same method. All other accused duly faced the trial before the trial court and later they got the benefit of acquittal in this Court. The said benefit cannot be entertained to the petitioner who absconded from the clutches of law. This court is not inclined to invoke Section 528 of BNSS to entertain this petition. Since the case in S.C.No.145 of 2014 is pending before the trial court, the petitioner is at liberty to take all his defence before the trial court. The grounds raised by the petitioner are not acceptable to quash the case.



CrI.O.P.No.359 of 2025

WEB COPY

4.In view of the same, this criminal original petition is dismissed. However, the petitioner is at liberty to workout his remedy in the manner known to law. Consequently, the connected miscellaneous petitions are closed.

09.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

- 1.The learned 1st Additional District Judge,
Mettur Salem District.
- 2.The Inspector of Police,
Mettur Police Station,
Mettur, Salem District.
- 3.The Public Prosecutor,
High Court, Chennai.



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Crl.O.P.No.359 of 2025

P.VELMURUGAN, J.

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09.01.2025