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CrI.OP.No.31952 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HON'BLE MR.JUSTICE **M.NIRMAL KUMAR**

CrI.OP.No.31952 of 2025

Subramaniyan

...Petitioner

Vs.

The State rep. by,
The Inspector of Police,
TIW Anna Nagar Police Station,
Chennai.

...Respondent

Criminal Original Petition filed under Section 528 of BNSS, 2023, to set aside the petition return Docket order dated 05.11.2025 in unnumbered CrI.M.P.Sr.No. of 2025 in SC.No.404 of 2025 on the file of the I Additional District Judge at Chennai.

For Petitioner : Mr.Athiban Vijay A.K.

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

ORDER

This criminal original petition has been filed seeking quashment of



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the Docket order dated 05.11.2025 made in unnumbered Crl.M.P.Sr.No. of 2025 in SC.No.404 of 2025 on the file of the I Additional District Judge at Chennai, returning the discharge petition filed by the petitioner.

2. The petitioner is arrayed as an accused in SC.No.404 of 2025 filed before the learned I Additional District Judge, Chennai, in which the petitioner filed a petition under Section 250 of BNSS in Crl.MP.Sr.No. of 2025 seeking to discharge him. The trial court, vide impugned docket order dated 05.11.2025, returned the same. Challenging the same, the petitioner has filed this petition.?

3. Learned counsel for the petitioner submitted that the trial court not entertained the discharge petition for the simple reason that earlier the petitioner filed quash petition before this court in Crl.OP.No.25153 of 2025 and the same was dismissed by this Court, vide order dated 15.09.2025 with a direction to the trial court to appreciate the entire evidence and dispose of the main case immediately and further dispensed with the personal appearance of the petitioner. Aggrieved by the said order, the petitioner approached the Hon'ble Apex Court in SLP.(Crl.).No.16901 of 2025, which



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was dismissed, vide order dated 27.10.2025 at the admission stage itself which cannot be held that the same was passed confirming the order of this court. He further submitted that the said dismissal would not preclude or deny the petitioner's right to file a discharge petition, which is an independent right, which he can enforce in right time. However, the trial court has not considered the same and mechanically returned the discharge petition filed by the petitioner in the SR stage itself, which is not sustainable. He further submitted that the admitted position of the prosecution is that the occurrence has taken place on midnight and there was no witness to identify the accused and to hold that it is the petitioner who caused the offence... Since the availability of light and identification of the petitioner is highly doubtful and he also submitted that the petitioner was a college student at the relevant point of time. Accordingly, he prayed for setting aside the impugned docket order?.

4. Per Contra, the learned Additional Public Prosecutor appearing for the respondent, police submitted that in this case the date of occurrence is during midnight of 26.03.2022 and thereafter with much difficulty, investigation was completed and charge sheet was filed before the I

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Additional District Judge, Chennai in the year 2025 for the offence under

Section 308 of IPC and Section 184 of Motor Vehicles Act, listing 10 witnesses and connecting documents in S.C.No.404 of 2025. He further submitted that the petitioner was speeding in his two wheeler in a rash and negligent manner and doing wheeling in the center of the road and attempted to cause culpable homicide. He also submitted that the petitioner has been delaying the progress of the case, by filing one after another petition, which is not sustainable.

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

6. Admittedly, the petitioner earlier filed quash petition before this Court and the same came to be dismissed, challenging the same, he filed SLP.(Crl.).No.16901 of 2025 and the Hon'ble Apex Court Right, vide order dated 27.10.2025 dismissed the said petition at the admission stage itself. However, the same cannot be a bar for the petitioner to file a discharge petition and the petitioner has got the right to file a discharge petition and it is for the trial court to independently consider the same based on materials



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available on record and dispose of the same.

7. In view of the above, this Court is of the view that the trial court returning the discharge petition on the ground that the quash petition filed by the petitioner is dismissed by this Court is not proper and accordingly, the impugned docket order dated 05.11.2025 returning the petitioner's discharge petition is set aside and the Trial court is directed to entertain the discharge petition filed by the petitioner in unnumbered Crl.M.P.Sr.No. of 2025 in SC.No.404 of 2025 and to dispose the same within a period of 30 days from the date of receipt of a copy of this order.

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8. With the above directions, this criminal original petition stands allowed.?

9. Registry is directed to return the original discharge petition filed along with this petition, enabling the petitioner to re-present the same before the trial court on or before 01.12.2025.?

24.11.2025

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

M.NIRMAL KUMAR, J.

skt

To:

1. The Inspector of Police,
TIW Anna Nagar Police Station,
Chennai.
2. The I Additional District Judge,
Chennai.
3. The Public Prosecutor,
Madras High Court.

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