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CrI.O.P.No.34096 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.34096 of 2025

and

CrI.M.P.Nos.23837 & 23838 of 2025

S.Bharathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sevvapet Police Station,
Thiruvallur Distirct.

(Crime No.193 of 2015)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records pertaining to the charge sheet in S.C.No.537 of 2025 on the file of the learned I Additional District and Sessions Judge, Thiruvallur District and quash the same.

For Petitioners : Mr.R.Naresh Kumar

For R1 : Mr.S.Santhosh
Government Advocate (Criminal Side)



ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings pending against the petitioner in S.C.No.537 of 2025 on the file of the learned I Additional District and Sessions Judge, Thiruvallur District.

2. The case of the prosecution is that when the respondent and his team were on their regular patrol duty, they noticed that the accused had assembled together and were making preparation to commit dacoity. Therefore, the respondent registered a case in Crime No.193 of 2015 for the offence under Section 399 IPC against the petitioner and four others. After completion of investigation, the final report was filed and the case was split up against the petitioner in P.R.C.No.3 of 2017 and committed to the Court of Session in S.C.No.537 of 2025, which is now sought to be quashed.

3. Learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A5 in Crime No.193 of 2015 and that since summons was not served on him, he was not aware of the pendency of the case. Subsequently, the petitioner came to know that the case against him had been split up and numbered in P.R.C.No.3 of 2017. He further submitted that the first accused was tried in S.C.No.34 of 2017, wherein the



trial Court examined five witnesses and after conducting a full fledged trial, found that the prosecution had failed to prove the offence under Section 399 IPC beyond any reasonable doubt and accordingly, acquitted the first accused. He also submitted that the case against the petitioner rests on the very same set of evidence. In such circumstances, no useful purpose would be served in permitting the petitioner to undergo trial, especially when the main accused has already been acquitted. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in *Yogarani vs. State by the Inspector of Police*, reported in 2024 INSC 721.

4. Learned Government Advocate (Criminal Side) submitted that the petitioner was earlier arrested and released on bail and later, due to his abscondence, the case was split up. He further submitted that the trial Court had acquitted the first accused in S.C.No.34 of 2017 vide judgment dated 04.08.2023.

5. Having heard the learned counsel appearing on either side and upon perusal of the materials available on record, and taking note of the decision rendered by the Hon'ble Apex Court in *Yogarani supra*, this Court is of the opinion that the main accused/A1 having been acquitted by the trial Court, the proceedings pending against the petitioner, who also stands on



Crl.O.P.No.34096 of 2025

the same footing, based on the same set of evidence, will be an exercise in
futility and an abuse of process of law and it is liable to be quashed.

6. Accordingly, this Criminal Original Petition stands allowed.

The proceedings pending against the petitioner in in S.C.No.537 of 2025 on the file of the learned I Additional District and Sessions Judge, Thiruvallur District, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

15.12.2025

Neutral Citation: Yes/No
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To

1. The I Additional District and Sessions Judge,
Thiruvallur District.
2. The Inspector of Police,
Sevvapet Police Station,
Thiruvallur Distirct.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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and
Crl.M.P.Nos.23837 & 23838 of 2025***

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