



Crl.O.P.(MD) No.586 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.586 of 2025

and

Crl.M.P(MD)Nos.383 and 384 of 2025

Karthick Balan

... Petitioner

Vs.

1. The Inspector of Police
Central Police Station
Tuticorin District

2. S.Karthika

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in S.C.No. 36 of 2023 on the file of the learned Additional District Judge No.I, Tuticorin, Tuticorin District and quash the same against this petitioner/A10.

For Petitioner : Mr.Ka.Ramakrishnan

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate (Crl. Side)



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Crl.O.P.(MD) No.586 of 2025

No.2

: Mr.K.Kaleeswaran

ORDER

This Criminal Original Petition has been filed to quash the S.C.No.36 of 2023 on the file of the learned Additional District Judge No.I, Tuticorin.

2. The case of the prosecution is that the husband of the second respondent murdered the opposite team leader of A1 and for that motive on 27.08.2019 at about 16.30 hrs when the husband of the second respondent was in the house then A1 to A5 trespassed into the house and murdered him. Hence a case has been registered in Crime No. 350 of 2019 for the offences under Sections 109,114,120(b),149, 212, 147, 148, 302, 449, 506(2) and 294(b) of IPC. Thereafter during investigation A3 to A7 surrendered before the Additional District Court, Thoothukudi and they were taken to police custody and based on the confession given by A3 to A7 this petitioner has been implicated as an accused. All the accused consumed alcohol in the house of this petitioner. When all the accused were in the house of the petitioner they hatched conspiracy. Therefore the petitioner was also arrayed as one of the accused in this case. Thereafter



Crl.O.P.(MD) No.586 of 2025

the respondent police completed investigation and filed final report and the same is pending in S.C.No.36 of 2023 on the file of the learned Additional District Judge No.I, Tuticorin. Now the petitioner who is arrayed as 10th accused in this case has filed this petition to quash the charge sheet.

3. The learned counsel appearing for the petitioner would submit that this petitioner has been falsely implicated in this case and the petitioner is no way connected with the said occurrence. Even as per the case of prosecution this petitioner has been implicated as an accused based on conspiracy. As per the prosecution case all the accused conspired together in the house of the petitioner and thereafter committed murder, therefore the petitioner was roped in this case. There are no any ingredients to constitute the offence as against the petitioner. There is no motive between the petitioner and the deceased. Even as per the statement of witnesses there is no specific allegations as against this petitioner and no offence is made out as against this petitioner ,therefore the pending proceedings is liable to be quashed.



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4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 350 of 2019 for the offences under Sections 109,114,120(b),149, 212, 147, 148, 302, 449, 506(2) and 294(b) of IPC and thereafter during investigation arrested some of the accused and based on the confessions they came to know that the conspiracy took place in the house of the petitioner and thereby he also participated in the conspiracy. Thereafter during investigation he was included as one of the accused. There are prima facie materials available as against this petitioner and therefore it is matter for trial and the petitioner has to face the trial and hence the petition is liable to be dismissed.

5. The learned counsel appearing for the second respondent would submit that the defacto complainant has no knowledge about the participation of the petitioner, however the first respondent conducted investigation and filed final report, therefore the petitioner has to face the trial



Crl.O.P.(MD) No.586 of 2025

WEB COPY

6. Heard both sides and perused the materials available on record.

7. The petitioner herein was arrayed as A10 in this case Based on the complaint given by the second respondent the first respondent registered a case against four named accused and others .During investigation the investigation officer found that this petitioner was also involved in the case and entire conspiracy took place in the house of the petitioner and they entered conspiracy, therefore they included this petitioner as one of the accused in this case. Now the petitioner has filed this petition to quash the proceedings. As per the materials of final report there are some allegations as against this petitioner and offences are serious in nature and there are no grounds to quash the proceedings. The materials collected during investigation can be tested only during trial and at this stage this Court cannot quash the proceedings and the matter needs elaborate trial,.

8. In view of the same, this petition has no merits and deserves to be dismissed and accordingly this Criminal Original Petition stands



Crl.O.P.(MD) No.586 of 2025

dismissed. Consequently connected miscellaneous petitions stands

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17.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Inspector of Police
Central Police Station
Tuticorin District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.586 of 2025

P.DHANABAL, J.

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Crl.O.P(MD)No.586 of 2025

17.04.2025