



Crl.O.P.(MD) No.1380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.1380 of 2024

and

Crl.M.P.(MD) No.951 of 2024

S.Senthilkumar

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(In Crime No.226 of 2013)

2.Nagarajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records relating to the impugned charge sheet in C.C.No.48 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Orathanadu and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.B.Prasanna Vinoth

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



Crl.O.P.(MD) No.1380 of 2024

For R2

: No appearance

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the final report filed against the petitioner for the alleged offences punishable under Sections 342, 324, and 506(ii) of the IPC in C.C.No.48 of 2019, on the file of the District Munsif-cum-Judicial Magistrate, Orathanadu.

2. The allegation in the final report is that on 10.10.2013, at about 11:00 a.m., there was a dispute regarding the sharing of water between the defacto complainant and the accused, including the petitioner/A3 herein, as a result of which a wordy quarrel ensued and that Accused Nos.1 and 2, who are the parents of the petitioner/A3, held the hands of the defacto complainant and the petitioner/A3 attacked the defacto complainant with an aruval and caused injury and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner was arrayed as A3 in the final report; that on account of his employment, he had to travel to Singapore; and that since he was unable to return to India and could not appear for trial, the case against the petitioner was split up, and Accused Nos. 1 and 2, who are the parents of



Crl.O.P.(MD) No.1380 of 2024

the petitioner, were tried in C.C. No. 64 of 2014. He would further submit that in the trial conducted against Accused Nos.1 and 2, all the witnesses, including the second respondent, turned hostile, as a result of which Accused Nos.1 and 2 were acquitted. He would therefore submit that the impugned prosecution against the petitioner is also liable to be quashed, as no useful purpose would be served in directing the petitioner to face trial for the aforesaid offences before the learned Judicial Magistrate.

4. The learned Additional Public Prosecutor for the first respondent would submit that all the witnesses turned hostile and that the suggestion made by the prosecution to the witnesses is that they had turned hostile because they had arrived at a compromise with the accused therein. The learned Additional Public Prosecutor, however, is unable to distinguish the case of the petitioner from that of the two accused, namely, the parents of the petitioner, on facts.

5. Though notice has been served on the second respondent/defacto complainant and his name has been printed in the cause list, none has entered appearance.



Crl.O.P.(MD) No.1380 of 2024

WEB COPY

6. This Court has perused the judgment of the trial court in C.C.No. 64 of 2014 dated 17.10.2019 passed in the case of the co-accused. From the judgment, it is clear that eight witnesses were examined to prove the case of the prosecution. Out of the eight witnesses, seven turned hostile and the eighth witness was the Investigating Officer. The evidence of P.W.1 to P.W.8 in C.C.No.64 of 2014, which has been enclosed in the typed set of papers filed in this petition, would indicate that no distinction can be made between the case of the petitioner and that of Accused Nos.1 and 2, who were acquitted in the said case. The prosecution has not challenged the acquittal.

7. The petitioner has also explained the reason for his absence and as to why he could not participate in the trial along with Accused Nos.1 and 2.

8. In the light of the facts, this Court is of the view that the judgment of the trial court in C.C.No.64 of 2014 dated 17.10.2019, acquitting the co-accused, who are the parents of the petitioner, has to enure to the benefit of the petitioner as well. Accordingly, the impugned



Crl.O.P.(MD) No.1380 of 2024

prosecution against the petitioner is liable to be quashed and is, accordingly, quashed.

9. In the result, this Criminal Original Petition is allowed.

Consequently, the connected Miscellaneous Petition is closed.

03.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order

Copy To:

- 1.The District Munsif-cum-Judicial Magistrate,
Orathanadu, Thanjavur District.
- 2.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.1380 of 2024

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.1380 of 2024
and
Crl.M.P.(MD) No.951 of 2024

03.09.2025