



Crl.O.P.(MD) No.1323 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.1323 of 2024

Suresh

... Petitioner

Vs.

1.State rep. by the Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.227 of 2021)

2.Narayanan

... 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 entire records pursuant to the case in S.C.No. 176 of 2023, on the file of the III Additional District and Sessions Court, Thirunelveli and quash the same.

For Petitioner : Mr.P.Jeyasankar

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



Crl.O.P.(MD) No.1323 of 2024

ORDER

WEB COPY This Criminal Original Petition has been filed to quash the proceedings against the petitioner for the offences punishable under Sections 302, 120B and 109 of the IPC in S.C.No.176 of 2023, on the file of the learned III Additional District and Sessions Judge, Tirunelveli.

2. The allegation against the petitioner is that he along with other accused had conspired to cause death of the deceased and pursuant to the conspiracy, the deceased was done to death on 02.07.2021.

3. The learned counsel for the petitioner would submit that the petitioner was not involved in the actual occurrence and that the only allegation against the petitioner is that he had conspired with the other accused; and that there is absolutely no evidence to implicate him in the alleged offence of conspiracy. He would further submit that since the petitioner was absconding, the case against the other accused was split up, and that the remaining accused, except A10, A11, A12 (the petitioner herein), A13, and A17, were tried and that by a judgment dated 01.08.2023 in S.C.No.26 of 2022, all the said remaining accused were acquitted. He would further submit that the evidence against the co-



Crl.O.P.(MD) No.1323 of 2024

accused, who were acquitted, and the evidence against the petitioner relied upon by the prosecution are one and the same and therefore, no useful purpose would be served in directing the petitioner to undergo trial. He would therefore pray for quashment of the impugned proceedings.

4. The learned Additional Public Prosecutor for the first respondent, per contra, would submit that the allegations against the co-accused who had already faced trial and the allegations against the petitioner are different; that the evidence sought to be adduced by the prosecution is also different; and that merely because the co-accused were acquitted, the proceedings against the petitioner cannot be quashed, as there are several factual disputes involved in this case. He would further submit that the case against the four other accused was split up, and they are facing trial in separate Sessions Cases.

5. It is true that some of the accused, who faced trial, were acquitted by the Sessions Court in S.C.No.26 of 2022. The question as to whether the petitioner's case and the evidence sought to be adduced by the prosecution against him are the same as those adduced against the co-accused, who faced trial and were acquitted, is factual. This cannot be



Crl.O.P.(MD) No.1323 of 2024

adjudicated in a quash petition. Moreover, the petitioner has been absconding for more than one year, though he had earlier obtained bail in the case and was aware of the proceedings. Therefore, no indulgence can be granted to the petitioner. Further, the co-accused who were absconding and were subsequently apprehended are now facing trial in separate Sessions Cases.

6. For the aforesaid reasons, this Court is not inclined to quash the impugned proceedings. Therefore, this Criminal Original Petition stands dismissed.

03.09.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order

Copy To:

1.The Judge,
III Additional District and Sessions Court,
Thirunelveli.

2.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.



Crl.O.P.(MD) No.1323 of 2024

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.1323 of 2024

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.1323 of 2024

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