



Crl.O.P.(MD)No.10476 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10476 of 2025 and
Crl.MP(MD) Nos.7870 & 7871 of 2025

Viswanathan

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
Crime No.90 of 2013

2.Suresh Kumar

3.Leelavathi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records pertaining to the case in PRC No.78 of 2022, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli and quash the same, insofar as the petitioner is concerned.

For Petitioner
For R1

: Mr.N.Balasubramanian
: Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

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The petitioner/ accused No.29 in PRC No.78 of 2022, on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli, has moved this application, to quash the above proceedings insofar as this petitioner is concerned.

2.The learned counsel for the petitioner has raised the following grounds:

- i. The case as against the other accused in PRC No. 78 of 2022 has been split up, conducted separately and all of them have been acquitted by the learned Sessions Judge, Valliyoor, Tirunelveli, by his judgment, dated 20.01.2025.
- ii. The defacto complainant and other witnesses have not supported the case of the prosecution.
- iii. The issue has been amicably settled between the parties.
- iv. The case as against this petitioner alone has been conducted separately, since this petitioner was working in abroad.
- v. Since the case as against the other accused has been ended in acquittal, the learned counsel for the petitioner seeks for a similar relief to this petitioner also.



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3.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl.side), who takes notice for the first respondent strongly objects for quashing the proceedings in PRC No.78 of 2022, as this petitioner has evaded the trial for years together, by absconding to abroad.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.For the incident, which was taken place in the year 2013, a case in Crime No.90 of 2013 has been registered as against 31 accused, including this petitioner. Final report was filed in SC No.719 of 2022. Since the petitioner absconded, the case has been split up for the remaining accused, conducted separately and all the remaining accused were acquitted, by the learned Sessions Judge, Valliyoor, Tirunelveli, by his judgment dated 20.01.2025. Now the petitioner has moved this application to quash the proceedings as against him on the grounds that the matter has been amicably settled between the parties and the co-accused have been acquitted from the charges and that the witnesses have not supported the case of the prosecution. It is not known as to the stand of the witnesses as against this petitioner, who is not present in the



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earlier proceedings. Though the petitioner claims that it is a case of compromise, there are no materials that have been placed before this Court, apart from the evidence of the witnesses before the trial Court. The ground of acquittal of the other accused cannot be a ground for this petitioner to seek a similar remedy.

6.In view of the above, this Criminal Original Petition is dismissed with liberty to this petitioner to move an application along with a compromise memo, if so advised. Consequently, connected Miscellaneous petitions are closed.

23.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn

To

The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.



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B.PUGALENDHI,J

vrn

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