



CrI.O.P.(MD)No.13453 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.13453 of 2025

and

CrI.M.P.(MD)Nos.10705 and 10707 of 2025

Saravanan

... Petitioner

versus

1. State of Tamil Nadu, Rep. by
The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.

2. T.Rajesh

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the PRC No.140 of 2023 on the file of the Judicial Magistrate Court No.II, Kuzhithurai, Kanniyakumari District and quash the same as far as this petitioner is concerned.

For Petitioner : Mr.G.Aravinthan

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (CrI. Side)



CrI.O.P.(MD)No.13453 of 2025

WEB COPY

ORDER

The petitioner is the accused No.43 in Crime No.204 of 2016 on the file of the respondent Police. The said case was registered in the year 2016 as against the petitioner and 70 others, for the offence under Sections 147, 148, 188, 286, 294(b), 336, 332, 324, 326, 307, 506(ii) IPC r/w. Section 149 IPC. The investigating agency had concluded the investigation and filed the final report, which was taken on file in PRC No.30 of 2016. Some of the accused have not been served. Therefore, the case was split up and committed to the Assistant Sessions Court, Kuzhithurai and the same was taken on file in SC No.58 of 2024. After full-fledged trial, the accused Nos.1 to 5, 15, 20, 21, 24 to 29, 33 to 58 were acquitted. The case as against the petitioner and 10 others was split up in PRC No.140 of 2023. Now, this petitioner is facing the committal proceedings in PRC No.140 of 2023. Considering the Judgment of acquittal passed in favour of the co-accused in SC No.58 of 2024, the petitioner has moved this petition to quash the proceedings in PRC No. 140 of 2023 pending against him.



CrI.O.P.(MD)No.13453 of 2025

2. The learned counsel appearing for the petitioner submits that the petitioner is also facing the same set of charges. Since the co-accused were acquitted from the charges, there is no purpose in proceeding with the trial in PRC No.140 of 2023. The learned counsel for the petitioner has also raised a ground of alibi.

3. The learned Government Advocate (CrI. Side) submits that the acquittal of co-accused will not entitle the accused, who is facing a split-up case. He further submits that this Court, in an identical case in CrI.O.P.(MD)No.8626 of 2024, has dismissed the petition, by order dated 01.08.2024. The relevant portion of the order is extracted as under:

“6. If the witnesses have not supported the case of the prosecution as against A1 to A6 in SC.No.104 of 2014, it cannot be presumed that the witnesses would take the very same stand in SC No.58 of 2019 also. The charges framed as against A1 to A9 are also different. It is only during the course of trial, the witnesses adduce evidence as against the accused concerned. Therefore, this Court is not inclined to entertain this quash petition on the sole ground that the trial conducted as against A1 to A6 in S.C.No.104 of 2014 ended in acquittal.”



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4. The learned Government Advocate has also relied on the following judgments:

(i) The Judgment of Allahabad High Court in Smt.Radha Devi and two others vs. State of U.P. and another

(ii) The Judgment of the Hon'ble Supreme Court in Yanob Sheikh @ Gagu vs. State of West Bengal ((2013) 6 SCC 428)

(iii) The Judgment of the Hon'ble Allahabad High Court in Jay Prakash Upadhyay @ Chhunnan vs. State of U.P. And another

(iv) The Full Bench Judgment of the Kerala High Court in T.Moosa and others vs. Sub Inspector of Police and others

(v) The Division Bench Judgment of the Hon'ble Supreme Court in Megh Singh vs. State of Punjab

(vi) The Division Bench Judgment of the Hon'ble Supreme Court in Sat Kumar vs. State of Haryana

(vii) The Judgment of the Andhra Pradesh High Court in G.Venkateswara Rao vs. The State of Andhra Pradesh

(viii) The Judgment of the High Court of Orissa in Manas Naik @ Manas Kumar Naik vs. State of Orissa



CrI.O.P.(MD)No.13453 of 2025

WEB COPY

(ix) The Division Bench Judgment of Allahabad High Court in
Km. Rinki vs. State of U.P. Reported in 2009 CrI. L.J. 990

(x) The Judgment of Allahabad High Court in Pushpa Devi vs.
State of U.P.

(xi) The Judgment of Delhi High Court in Inder Singh Bist vs.
State.

5. In view of the said position of law, this Court is not inclined to entertain this petition on the ground that the co-accused were acquitted from the charges. Further, the ground of alibi raised by the petitioner can be appreciated only during the trial.

6. The learned counsel for the petitioner submits that the petitioner has completed the Law degree. However, in view of the pendency of this case, he could not enroll as an Advocate. According to him, he has been added as accused among 70 accused.

7. Considering the submission of the learned counsel for the petitioner that the petitioner could not enroll in view of the pendency of



CrI.O.P.(MD)No.13453 of 2025

the case, the learned Judicial Magistrate No.II, Kuzhithurai, is directed to commit the case in PRC No.140 of 2023 with the Court of Sessions within a period of four weeks from the date of receipt of a copy of this order. The Sessions Court/trial Court shall also try to conclude the proceedings as expeditiously as possible preferably within a period of six months from the date of committal proceedings.

8. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

20.08.2025

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

1. The Judicial Magistrate Court No.II,
Kuzhithurai,
Kanniyakumari District
2. The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.



CrI.O.P.(MD)No.13453 of 2025

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

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CrI.O.P.(MD)No.13453 of 2025

B.PUGALENDHI, J.

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CrI.O.P.(MD)No.13453 of 2025

20.08.2025