

Suo Motu TR.(MD).No.5842 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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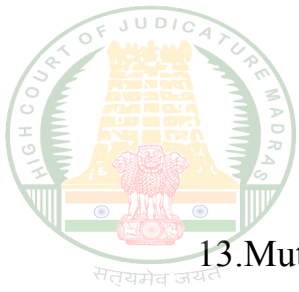
(S.C.No.81 of 2019 on the file of the Chief Judicial Magistrate, Theni Taluk, Theni)

The Inspector of Police,
Kombai Police Station,
Theni

... Petitioner

Vs.

- 1.Abbas
- 2.Jegan
- 3.Prasath
- 4.Kirai Ganesan
- 5.Solai Raja
- 6.Soundhirapandi
- 7.Manikandan
- 8.Manimaran @ Murattukalai
- 9.Pakkiyaraj
- 10.Senthil
- 11.Pandi
- 12.Kannan



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13.Muthukrishnan

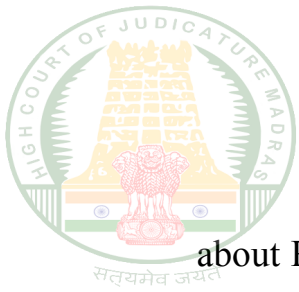
14.Mani

... Respondents

Upon perusing the documents and case records of the above S.C.No. 81 of 2019 transmitted to this Court and hearing the arguments of ***Mr.S.Ravi, learned Additional Public Prosecutor***, on behalf of the State, this Court passed the following

ORDER

The accused No.1 to 4 (A7, A8, A13 & A14 in mother S.C.No.76 of 2018) in S.C.No.81 of 2019 on the file of the District Munsif cum Judicial Magistrate, Podinayakanur, Theni District, facing trial for the offences under Sections 147, 148, 448 of IPC r/w 3(1) and 4 of TNPPDL Act. Totally, 14 accused in mother S.C.No.76 of 2018 on the file of the District Munsif cum Judicial Magistrate, Podinayakanur, Theni District. Since A9, A10, A11, A12, A13 and A14 are absconding, the case was split up against them from mother S.C.No.76 of 2018 and renumbered as S.C.No.81 of 2019. According to the prosecution, the accused in split up case and the remaining accused in mother case are said to have trespassed into the farmhouse of the complainant and broken the glass of the door and windows of the house and also set fire to a hut and caused damage worth

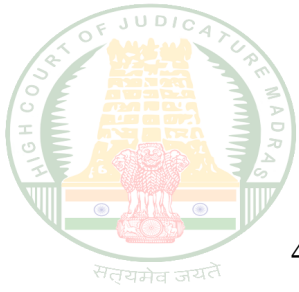


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about Rs.4 lakh. Thereby, they committed the offences under Sections 147, 148, 448 of IPC r/w 3(1) and 4 of TNPPDL Act. In mother S.C.No.76 of 2018, all the witnesses turned hostile including the complainant. The learned trial Judge considering the above facts and also considering the other available evidence, acquitted the accused.

2. In view of the above, the pendency of present S.C.No.81 of 2019 against the four accused without any inseparable and specific evidence, this Court is inclined to quash the proceedings in S.C.No.81 of 2019. It is well settled principle as per the law laid down by the Hon'ble Supreme Court and this Court in the various cases, when there was no inseparable evidence against the split up accused and the main accused in the mother case ended in acquittal, the continuation of proceedings in present case is against law. Hence, this Court is inclined to quash the same.

3. This Court *suo motu* called for the records and exercises its power under Section 482 of Cr.P.C. This Court does not confer any right to any of the accused or party party to file a case against the Investigating Agency under the malicious prosecution or claim damages.



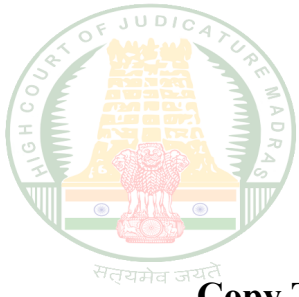
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4. With the above observation, this *Suo Motu* Tansfer Petition stands disposed of and S.C.No.81 of 2019, on the file of the learned Chief Judicial Magistrate, Theni Taluk, Theni, pending against the accused is hereby quashed. The accused / A6-Soundhirapandi is directed to be released forthwith, unless his presence is required in connection with any other case.

08.09.2025

pal/dss

Note to the Trial Court: This order is digitally signed and communicated electronically alone. The Trial Court shall take note of the order and accordingly classify the case pending before them as allowed / dismissed / disposed of, etc, and while doing so, consider any applications such as disposal of properties, etc., and pass appropriate orders, as may be necessary. Further, the Court below is directed to dispatch the copy of this order to all concerned.



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Copy To

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- 1.The Chief Judicial Magistrate,
Theni Taluk,
Theni.
- 2.The Inspector of Police,
Kombai Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Superintendent of Prison,
District Jail,
Theni.



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K.K.RAMAKRISHNAN,J.

pal/dss

Order made in
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