



Crl.O.P.(MD)No.17697 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17697 of 2025

and

Crl.M.P.(MD)Nos.14473 and 14474 of 2025

Arumugam

... Petitioner/Accused

Vs.

1.The State of Tamil Nadu, rep. by,
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.45 of 2004)

...1st Respondent/Complainant

2.Panchali (Died)

...2nd Respondent/Defacto-
Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to S.C.No.89 of 2024 on the file of the III Additional District Court, Pattukottai, Thanjavur District and quash the proceedings as against the Petitioner herein.

For Petitioner : Mr.K.Veilmuthu

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



Crl.O.P.(MD)No.17697 of 2025

ORDER

WEB COPY

The petitioners seek to quash the final report in S.C.No.89 of 2024 on the file of the III Additional District Court, Pattukottai, Thanjavur District, as against the petitioner, which was filed for the offences punishable under Sections 147, 148, 452, 324, 323, 427, 506(ii) and 307 of IPC.

2. The allegation in the impugned final report is that on 27.02.2004 at about 11.00 AM, about 27 accused, including the petitioner had formed themselves into an unlawful assembly, entered into the house of the defacto complainant, caused damage to the movable properties in the house to the tune of Rs.8,000/- and attacked the witnesses and the defacto complainant with cycle chain and sticks and thus, committed the aforesaid offences.

3. The petitioner was arrayed as 16th accused in the final report. It appears that the petitioner had absconded and was arrested pursuant to the warrant on 06.01.2021; that thereafter, he was released on bail by this Court in Crl.O.P(MD) No.19131 of 2021, vide order, dated 03.12.2021; and that the impugned proceedings against the petitioner are still pending. In the meanwhile, some of the co-accused were tried separately in S.C.No.97 of 2010 and the 8th accused was tried in S.C.No.253 of 2010 and by the judgments,



Crl.O.P.(MD)No.17697 of 2025

dated 17.02.2011 and 18.01.2019 respectively, they were acquitted because the defacto complainant and all the witnesses turned hostile.

4. The learned counsel for the petitioner would submit that the proceedings against the petitioner have been pending since 2021; that since the co-accused, who were tried in two sessions cases, were acquitted, because the witnesses turned hostile, the prosecution against the petitioner would be a futile exercise.

5. The learned Additional Public Prosecutor would submit that the petitioner was absconding for a number of years. He would fairly submit that in all the cases, all the witnesses turned hostile including the defacto complainant, who had disowned her complaint; that no appeal has been filed against the above said two judgments by the State or by the defacto complainant.

6. It is now reported that the defacto complainant is no more. The learned Additional Public Prosecutor has confirmed the same and the VAO has also certified it.

7. This relevant observations of the trial Court in S.C.No.97 of 2010 on



Crl.O.P.(MD)No.17697 of 2025

the file of the learned Additional District and Sessions Judge (Fast Track Court No.II), Pattukkottai, Thanjavur District reads as follows:

“The case against all the 24 accused were ignited by P.W.4 allegedly giving a written complaint which has been left unmarked by the prosecution, as the receiver of the complaint by name Jeyaraman, Head Constable, has not been examined by the prosecution. The person who allegedly given the complaint has disowned the complaint and only admitted her signature marked under Ex.P.1. P.W.1 has stated that her thumb impression has been obtained by the police in a white sheet and she has not been examined by the police. She also would depose that she does not know who had beaten her; P.W.2 Rathinam also turned hostile and stated that he has not been examined by the police. The alleged observation mahazar witnesses, PW3 and PW 4 also turned hostile. Pw.7, PW 8 and PW 9, namely Muthukrishnammal, Karthikeyan Ramakrishnan, Somasundaram were also turned hostile and not supported the case of the prosecution. As PW 1 herself disowned the complaint and has stated that she did not give any complaint to the police and she has candidly stated that she did not know who had caused the injury to her and also did candidly depose that her thumb impression alone gotup in a white paper, we can not believe the sole evidence of PW 10 as true and convict the accused.”



Crl.O.P.(MD)No.17697 of 2025

8. Similarly, in S.C.No.253 of 2010 on the file of the III Additional District and Sessions Judge, Pattukkottai, Thanjavur District, the trial Court had acquitted all the accused by observing that all the eye witnesses had turned hostile. Thus, it is seen that none of the witnesses had supported the prosecution case twice in both the session cases. Hence, it would be a futile exercise to continue the prosecution as against the petitioner as there is no possibility of conviction of the petitioner. Therefore, this Court is inclined to quash the impugned final report in S.C.No.89 of 2024 on the file of the III Additional District Court, Pattukkottai, Thanjavur District.

9. Hence, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions stand closed.

28.10.2025

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

Indu/dk

To:

5/7



Crl.O.P.(MD)No.17697 of 2025

- 1.The Inspector of Police,
The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

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



WEB COPY



Crl.O.P.(MD)No.17697 of 2025

SUNDER MOHAN, J.

Indu/dk

Crl.O.P(MD).No.17697 of 2025

28.10.2025