



Crl.O.P.(MD) No.20463 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.20463 of 2025

and

Crl.M.P.(MD) Nos.17290 & 17292 of 2025

Satha @ Sathasivam

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Additional Superintendent of Police,
Crime Branch-Criminal Investigation Department,
Tirunelveli District.
(Crime No.3 of 2019)

2.E.Ramasamy

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya
Nagarik Suraksha Sanhita, 2023 to call for the records in P.R.C.No.36 of
2025 on the file of the learned Judicial Magistrate No.I, Nagercoil and
quash the same as illegal.

For Petitioner : Mr.Abudukumar Rajarathinam
Senior Counsel
for Mr.S.Ashok Kumar

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



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ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in P.R.C.No.36 of 2025 on the file of the learned Judicial Magistrate No.I, Nagercoil, filed against the petitioners for the offences punishable under Sections 147, 148, 302, 397, 120-B, 149 and 34 of the Indian Penal Code, 1860 and Section 27(3) of the Arms Act, 1959.

2. The gist of the allegations in the final report is that the brother and the sister-in-law of the second respondent/defacto complainant were done to death on account of a previous dispute; that the first accused is the cousin of one of the deceased; and that the petitioner, along with others, was also a member of the conspiracy and committed the said double murder.

3. Mr.Abudukumar Rajarathinam, the learned Senior Counsel for the petitioner, would submit that the alleged occurrence took place on 10.11.2011; that the FIR was registered against unknown persons; that later, since A1 had a motive, he was arrested on 18.02.2012; and that subsequently, all other accused were identified by the first respondent and



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arrested; that the petitioner was arrested on 16.11.2023 without any basis, merely on the ground that he is the employer of A8 and that he is known to Sathya @ Sathiyasivam, and on the basis of the statements of two witnesses, L.W.15 and L.W.24, who had allegedly seen the petitioner along with the other accused 10 days prior to the occurrence in a field; that the above material would not be sufficient to prosecute the petitioner for the alleged offence of conspiracy; that there is no eyewitness to the occurrence; and that the impugned prosecution is liable to be quashed, as it is an abuse of process of law insofar as the petitioner is concerned.

4. Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor for the first respondent, would submit that the prosecution has collected sufficient evidence to prove the involvement of the petitioner as well; and that the question as to whether the petitioner was a part of the conspiracy has to be adjudicated only in the trial and cannot be decided in this quash petition.

5. This Court is of the view that the petitioner can raise all the points raised herein before the trial court at the time of framing of charges,



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as this Court, in a quash petition, would not decide whether the evidence collected against the petitioner is sufficient to proceed further. It is needless to say that at the stage of charge framing, the learned Judge, would examine whether there are sufficient grounds for proceeding further.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

24.11.2025

JEN/DK

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.I,
Nagercoil.
- 2.The Additional Superintendent of Police,
Crime Branch-Criminal Investigation Department,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SUNDER MOHAN, J.

JEN/DK

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24.11.2025