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CRL OP No. 2855 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE **A.D.JAGADISH CHANDIRA**

CRL OP No. 2855 of 2024

and

CrI.M.P.No.2032 and 2035 of 2024

Madhavan

..Petitioner

Vs

1.State Rep By

The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai - 21.

2.S.Sarathkumar

..Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in C.C. No.861 of 2023 on the file of the XV Metropolitan Magistrate, George Town, Chennai - 1 and quash the same.

For Petitioners : Mr.K.Madhan
For Respondents : Mr.K.M.D.Muhilan,

Additional Public Prosecutor For R1

No appearance For R2

ORDER

The present Criminal Original Petition is filed to quash the proceedings in C.C. No.861 of 2023, pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai - 1.



2. The case of the prosecution is that the first accused came to the second respondent's/*de facto* complainant's house and took him in his bike to the house of the fourth accused and in the terrace of the said house, all the other accused persons were present and they uttered abusive words and also attacked the *de facto* complainant with a small wooden log due to which, the second respondent/*de facto* complainant had sustained injuries and taken traditional treatment.

3. The learned counsel appearing for the petitioner submitted that the petitioner herein is in no way connected with the alleged offence. However, he is arrayed as accused-6. The accused-2 has approached this Court in Crl.O.P.No.482 of 2024 and this Court, by order dated 17.03.2025, has allowed the original petition quashing the proceedings in respect of accused-2 by observing as follows:

"8. Even according to the prosecution, the small wooden piece was use to beat the second respondent. As far as the petitioner is concerned, he is a law graduate and a false case has been foisted against him. Further, there is no material evidence against the petitioner. That apart, the person who treated the second respondent was not examined and no statement has been recorded to corroborate the statement of the second respondent. The small wooden piece is not at all a dangerous weapon and it is not an instrument. It is not the weapon as indicated under Section 324 of IPC. That apart, no independent witness was examined by



the first respondent. Further, the second respondent is the habitual offender and even the case of the second respondent that he came to the house of the fourth accused purchased ganja for his personal consumption. There was a quarrel between the second respondent and the other accused persons. Therefore, an offence is made out to proceed with the trial.

9. In view of the above, the proceedings in C.C.No.861 of 2023 on the file of the XV Metropolitan Magistrate, George Town, Chennai cannot be sustained as against the petitioner and is liable to be quashed. According, it is hereby quashed."

4. Relying on the aforesaid order passed by this Court, the learned Counsel for the petitioner submitted that since this petitioner is also similarly placed as that of the accused-2, the proceedings as against him deserves to be quashed.

5. Though notice was served on the second respondent and his name was also printed in the cause list, no one appeared for him before this Court either in person or through counsel.

6. Learned Additional Public Prosecutor appearing for the first respondent police submitted that the second respondent/*de facto* complainant is now arrested and he is in custody pursuant to a Non-Bailable Warrant issued by the Court in respect of Crime No.408 of 2018.



7. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent police and perused the materials available on record.

8. Considering the fact that the proceedings as against the second accused in C.C.No.861 of 2023, on the file of the learned XV Metropolitan Magistrate, George Town, Chennai, was quashed by this Court in CrI.O.P.No.482 of 2024, on 17.03.2025 and this petitioner is also similarly placed as that of the second accused, the proceedings as against this petitioner, who is accused-6 in C.C.No.861 of 2023, on the file of the learned XV Metropolitan Magistrate, George Town, Chennai, is also quashed.

9. This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petitions are closed.

29-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
SRM



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To

1. The XV Metropolitan Magistrate,
George Town, Chennai-1.
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai - 21.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

SRM

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