



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5973 of 2026

and

Crl.MP.Nos.4391 & 4392 of 2026

Saravanan @ Saravanamoorthy
S/o.Rajasundaram,
Old No. 7, New No.15,
Vijayaragava Road,
T.Nagar, Chennai - 600 017.

..Petitioner(s)

Vs

1. The State Rep. by The Inspector of Police
R-4, Soundarapandiyanar Angadi Police
Station, Law and Order,
T.Nagar, Chennai - 600 017.

2. M.Nataraj
S/o.Marimuthu,
No. 15/7, Vijayaragava 1st Street,
T.Nagar, Chennai -17.

..Respondent(s)

PRAYER: This criminal original petition filed under Section 528 of BNSS to call for the records pertaining to CC.No.460 of 2010 pending on the file of the Metropolitan Magistrate No.XVII at Saidapet, Chennai and quash the same as illegal, incompetent by allowing the present Criminal Original Petition.

For Petitioner(s):

Mr.M.Maharaja

For Respondent(s):

Mr.R. RAJASEKARAN
Govt. Advocate (CRL. SIDE) For R1



ORDER

WEB COPY

The petitioner/A1 facing trial in C.C.No.460 of 2010 for offences under Sections 147, 148, 341, 324 r/w 149 of IPC, filed this quash petition.

2.The case as per the complaint is that on 09.11.2009 at about 8.00 p.m. the complainant was returning after finishing his work in his car and proceeding through Vijayaraghva Road. When he turned his car to reach Vijayaraghava Main Road, a Toyota Corolla car came from behind and dashed against the de facto complainant's car. He got down and enquired and at that time, the driver and the occupants of that Toyota car had surrounded the defacto complainant and assaulted him using pipe wooden log and one of them had placed a knife on de facto complainant's neck. Hence, complaint lodged and case registered and on completion of investigation, charge sheet filed on 21.01.2010 listing 11 witnesses.

3.The learned counsel for the petitioner submitted that the occurrence had taken place on 09.11.2009 and after investigation, charge sheet filed on 21.01.2010 arraying 11 persons as accused and listing 11 witnesses. The petitioner's name does not find place in the FIR and one month thereafter, his name has been included as though he was shouting from behind asking other



accused to attack the de facto complainant. He further submitted that the doctor given medical opinion that injuries sustained by the de facto complainant are simple in nature. The petitioner, A2 and A4 are appearing before the trial Court. The whereabouts of other accused are not known and the case has been kept pending. In this case, A2 passed away and the petitioner underwent a brain surgery and has been advised bedrest. Keeping the case pending for decades together without any progress amounts to abuse of process of law and affect the fundamental rights of the petitioner. Hence, the case is liable to be quashed.

4.Learned Government Counsel (Crl.Side) for the 1st respondent opposed the petitioner's contention and submitted that the delay was not because of the prosecution and it was due to three of the accused namely A3 to A5 absconding. The petitioner is the owner of one Sai Club, which is a recreation club. The other accused were employed under him and now they are not available. Due to their absence and pendency of NBW, the case has been kept pending and the delay is only due to the accused and not due to the prosecution. Hence, causing a delay and thereafter filing a quash petition claiming that ground is not proper. He further submitted that in this case, the trial itself can be completed within a short period.

5.The counsel for the petitioner submitted that the prosecution has not taken steps to execute the NBW against the absconding accused and the police



also not filed any split up petition and the petitioner has been unnecessarily facing trial from the year 2010.

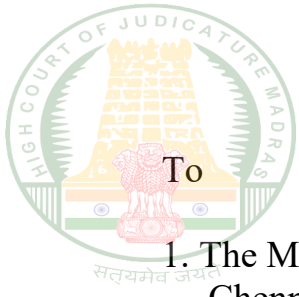
WEB COPY

6. In view of the above, this Court directs the trial Court to take effective steps to secure A3, A5 to A11 or take steps to split up the case as against the accused A1 and A4 who are appearing before the trial Court and to complete trial within a period of 6 months from the date of receipt of a copy of this order. Since the petitioner has undergone a brain surgery, the physical presence of the petitioner unless absolutely necessary, need not be insisted. It is for the petitioner to file an appropriate petition before the trial Court with an undertaking that he will not dispute his identity and the recording of evidence in his absence and will not cause or be a reason for any delay in the trial and that the witnesses present would be cross-examined on the same day. On filing such undertaking, the trial Court to liberally consider the petitioner's dispense with petition.

7. With the above directions, the criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

17-06-2026

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



To

1. The Metropolitan Magistrate No.XVII at Saidapet,
Chennai.

WEB COPY

2. The Inspector of Police
R-4, Soundarapandiyanar Angadi Police
Station, Law and Order,
T.Nagar, Chennai - 600 017.

3. The Public Prosecutor
High Court, Madras.



WEB COPY

CRL OP No. 5973 of 2



M.NIRMAL KUMAR, J.

sms

CRL OP No. 5973 of 2026

17-06-2026