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Crl.RC No.26 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

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THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.R.C.No.26 of 2026

and

Crl.M.P.No.129 of 2026

1.Vijay
2.Chella @ Chelladurai
3.Muthukumaran
4.Kamesh
5.Sailesh Kumar

... Petitioners

Vs.

1.State
Rep. by Inspector of Police
F-5, Choolaimedu Police Station
Chennai 600 106
(Cr.No.724/2019)

2.Kalaivani
(*Suo motu* impleaded as R2 *vide* order dt.7.01.2026)

... Respondents

PRAYER: Criminal Revision petition filed under Section 438 read with 442 of BNSS, 2023, to call for the records relating to the order dated 28.02.2025 passed by the Sessions Judge, Magalir Neethimandram, Egmore at Allikulam, Chennai, in Crl.M.P.No.14333 of 2024 in S.C.No.23 of 2024 and set aside the same as against the petitioner.

For Petitioners : Mr.S.Anil Sandeep

For Respondents : Mr.R.Vinothraja
Government Advocate (Crl. Side) for R1



ORDER

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The revision challenges the dismissal of the discharge petition in Crl.M.P.No.14333 of 2024 in SC.No.23 of 2024 before the learned Sessions Judge, Magalir Neethimandram, Egmore, Allikulam filed by the petitioners who are facing trial for the offences under Sections 278, 308 r/w34 of IPC, 1860.

2. It is the case of the prosecution that on a Diwali day, the petitioners were bursting crackers and had thrown crackers on the victim who had sustained serious injuries on her left eye and thus committed the aforesaid offences.

3. The petitioners sought for discharge before the trial Court mainly on the ground that the incident took place on a Diwali day and that the petitioners were bursting crackers during the celebration and that the crackers accidentally fell on the victim and no *mens rea* can be attributed to the petitioners. The trial Court dismissed the discharge petition on the ground that the allegations and the materials collected by the prosecution would show prima facie that the offences are made out.



4. The learned counsel for the petitioners reiterated the said submissions and urged this Court to peruse the materials which would suggest that the alleged incident took place on a Diwali day. He would further submit that admittedly the petitioners had no prior motive to attack the de facto complainant and that though the victim's statement is to the effect that the petitioners have deliberately thrown the crackers, the circumstances would suggest otherwise and considering the age of the petitioners and their future they may be discharged.

5. The learned counsel would further submit that the de facto complainant has now agreed not to pursue the case and has filed an affidavit to that effect and that the petitioners have paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) by way of demand draft bearing No.165116. The de facto complainant was *suo motu* impleaded by this Court by order dated 07.01.2026. The de facto complainant is present in person. The de facto complainant in the affidavit filed today would state that the incident took place on a Diwali day and since she was initially under the impression that the petitioners had deliberately thrown the crackers on her she had made a complaint; and that she is not willing to proceed the case any further.



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6. Admittedly, the alleged occurrence took place on a Diwali day.

There is no evidence to suggest that the petitioners had any intention to cause injury on the victim. The victim has now filed an affidavit 17.02.2026 stating that she does not want to pursue the prosecution and that she has received a sum of Rs.2,00,000/- as compensation from the petitioners. The said affidavit shall form part and parcel of this order.

7. Considering the aforesaid facts and submissions of the learned counsel for the petitioners and the victim, this Court while setting aside the impugned order dated 28.02.2025 made in Crl.M.P.No.14333 of 2024 in SC.No.23 of 2024, discharges the petitioners from the alleged offences.

8. The Criminal Revision Case is allowed in the above terms. Consequently, connected miscellaneous petition stands closed.

17.02.2026

Index: Yes/No

Neutral citation: Yes/No.

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To

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1.The Sessions Judge, Magalir Neethimandram
Egmore at Allikulam, Chennai

2.The Inspector of Police
F-5, Choolaimedu Police Station
Chennai 600 106

3.The Public Prosecutor
Madras High Court, Chennai 600 104



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SUNDER MOHAN, J.

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