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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.7172 of 2025

and

Crl.MP(MD)No.5249 of 2025

Daras @ Xavier Sahaya Daras

... Petitioner/Accused No.6

Vs.

1.The State of Tamilnadu rep by its,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.356 of 2026)

... 1st Respondent/Complainant

2.Kennedy

... 2nd Respondent/Defacto
Complainant

PRAYER : Petition filed under Section 482 of Cr.P.C, to call for the entire records in relating to the impugned charge sheet in P.R.C.No.1 of 2022 on the file of the learned Judicial Magistrate Court, Radhapuram, and to quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 : Mr.S.Ravi,
Additional Public Prosecutor

For R2 : No Appearance



ORDER

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This petition has been filed to quash the Impugned Charge Sheet in P.R.C.No.1 of 2022 on the file of the learned Judicial Magistrate Court, Radhapuram.

2. The learned counsel for the petitioner submitted that by the order dated 23.06.2022, in CrI.OP(MD)No.11115 of 2022, this Court, already quashed the case in P.R.C.No.1 of 2022 on the file of the learned Judicial Magistrate Court, Radhapuram, in view of the compromise arrived between the accused No.1 to 5 & 7 to 10 and the defacto complainant. However, since the petitioner, who is the 6th accused was working in abroad at that time, he was not able to appear before this Court, in CrI.OP(MD)No.11115 of 2022. In this regard, a separate petition has been filed before this Court and hence, relying upon the order passed by this Court, in CrI.OP.No.27918 of 2018 dated 04.10.2021, the learned counsel for the petitioner sought for quashment of the pending case against this petitioner.

3. This Court fairly considered the submission made by the learned counsel for the petitioner.



4. It is true that this Court, by the order dated 04.10.2021, in CrI.OP.No. 27918 of 2018, has quashed the criminal proceedings in respect of the remaining one accused based on the earlier quashment upon compromise, which had been arrived between the defacto complainant and all the other accused except that one accused.

5. Therefore, the continuation of the proceedings as against the petitioner in the impugned charge sheet in P.R.C.No.1 of 2022, could be a clear abuse of process of law and in fact this Court has allowed a similar case in CrI.O.P.No. 27918 of 2018 by order dated 04.10.2021. Fully fortified with the abovesaid principles, the proceedings in P.R.C.No.1 of 2022 on the file of the Judicial Magistrate Court, Radhapuram, is quashed.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

11.02.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

dss

TO:-

1. The Judicial Magistrate Court,
Radhapuram.
2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
CrI.O.P.(MD)No.7172 of 2025
and
CrI.MP(MD)No.5249 of 2025

Dated
11.02.2026