



WEB COPY



CrI.O.P.(MD).No.12560 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P(MD)No.12560 of 2026

and

CrI.M.P(MD) No.12346 of 2026

Siddiq @ Mohamed Abubacker Siddiq

... Petitioner/
Accused No.5

Vs

1. State Represented by
The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli.
(Crime No.143 of 2017)

... 1st Respondent/
Complainant

2. A.Sheik Mohamed

... 2nd Respondent/ Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned charge sheet in C.C.No.143 of 2017 on the file of the learned Judicial Magistrate, Nanguneri and quash the same as illegal.

For Petitioner : Mr.SMA.Jinnah

For R1 : Mr.P.Samuel Gunasingh
Counsel for State of TN(CrI.Side)



CrI.O.P.(MD).No.12560 of 2026

WEB COPY

ORDER

The present Criminal Original Petition has been filed by A5 in C.C.No.143 of 2017 on the file of the learned Judicial Magistrate, Nanguneri, seeking to quash the charge sheet, wherein the petitioner is charged with the offence under Sections 147, 294(b), 323 and 506(i) of IPC.

2. The petitioner along with others are arrayed as accused in Crime No. 143 of 2017. A charge sheet came to be laid in C.C.No.6 of 2011 on the file of the Judicial Magistrate, Nanguneri. Since the petitioner was working abroad and NBW was pending as against the petitioner the case was split up. The case is pending from 2011 till 2017. Since no witnesses were produced, the trial Court was pleased to pass the following order on 19.08.2018 and the accused persons were discharged invoking Section 258 of Cr.P.C. The order is extracted as follows:

Order Dt: 19.8.17

Accused present, witness not produced, final notice already issued. The case is of the year 2011 and the same cannot be kept in abeyance without any progress. Hence further proceedings of the case is stopped and accused released u/s.258 Cr.P.C.



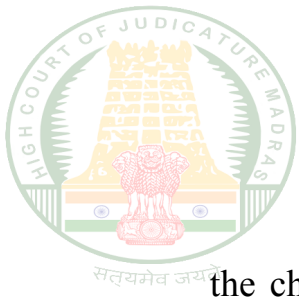
Crl.O.P.(MD).No.12560 of 2026

WEB COPY

3. The split up case as against the petitioner was renumbered as C.C.No.143 of 2017 on the file of the learned Judicial Magistrate, Nanguneri. Thereafter, the petitioner had filed Crl.O.P(MD) No.22877 of 2022 seeking to quash the cahрге sheet as against him. The said application came to be dismissed by this Court on 23.12.2022 and there was a direction to the learned Judicial Magistrate, Nanguneri, to complete the trial in C.C.No.143 of 2017, within a period of two months.

4. The second quash petition has been filed on the ground that even though this Court has passed an order on 23.12.2022, for the past 3 ½ years, there is no progress in the trial. So far the prosecution has not produced a single witness before the Court and in such circumstances, the learned counsel appearing for the petitioner submits that the present quash petition is maintainable on the ground that the investigation agency is following the similar method which was followed in C.C.No.6 of 2011.

5. The learned Counsel for State of TN (Crl.Side) appearing for the first respondent submitted that L.W.1 is not available in the address mentioned in



Crl.O.P.(MD).No.12560 of 2026

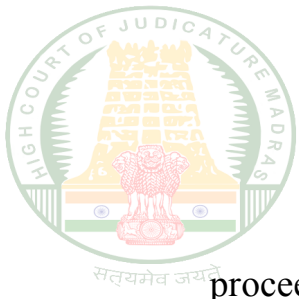
WEB COPY

the charge sheet and therefore, they are finding it difficult to locate the list witnesses.

6. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. As far as the maintainability of the second quash petition is concerned, since the orders of this Court dated 23.12.2022 have not been complied with and the prosecution finds it difficult to locate the list of witnesses for the second time, this second quash petition is maintainable, in view of these subsequent developments.

8. As far as C.C.No.6 of 2011 is concerned, the trial Court has stopped the entire proceedings and discharged the accused persons invoking Section 258 of Cr.P.C and the petitioner stands on the same footing. Even after the case was split up and renumbered as CC.No.143 of 2017 as against the petitioner herein, despite orders of the Court, the prosecution is not able to marshall the witnesses as against the petitioner herein for the past three years. In such circumstances, this Court finds that the continuation of the criminal



Crl.O.P.(MD).No.12560 of 2026

WEB COPY

proceedings against the petitioner herein would only be an abuse of process of law.

9. In view of the above said facts, the charge sheet in C.C.No.143 of 2017 on the file of the learned Judicial Magistrate, Nanguneri, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petition is closed.

30.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Judicial Magistrate,
Nanguneri.
2. The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

5/6



WEB COPY



CrI.O.P.(MD).No.12560 of 2026

R.VIJAYAKUMAR,J.

ebsi

CrI.O.P(MD)No.12560 of 2026

30.06.2026