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CRL OP No. 18241 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 18241 of 2025

AND

CRL OP NO. 18054 of 2025 &

CRL MP NO. 11854 of 2025,

CRL OP No. 18241 of 2025

1. P.Perumal

S/O Palanisamy, PSK Line,
Devangapuram, Pallipalayam,
Namakkal District.

Petitioner(s)

Vs

1. The Superintendent of Police
Namakkal - 637003.
Namakkal District.

2.The Inspector Of Police
Pallipalayam Police Station,
Crime No.104 of 2013,
Namakkal District.

3.The Superintendent of Police
Crime Branch CID,



Head Quarters,
24, Pantheon Road, Chennai - 600008.

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Respondent(s)

CRL OP No. 18054 of 2025

1. P.S.Kandasamy
S/o. Sellappa Gounder,
108, Kanni Mariamman Koil Street,
Devagapuram, Pallipalayam, Namakkal
District.

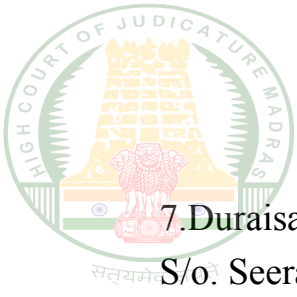
2.K.Arunkumar
S/o. Kandasamy, Periyakadu,
Pallipalayam, Namakkal District.

3.Subramani @ Poolakadu Subramani
s/o.Kandasamy, poolakattur,
Vediarasampalayam, Kumarapalayam
Taluk, Namakkal District.

4.Kumar
s/o. Thangavel, 2/26, Odapalli, Cauvery
Rs, pallipalayam, Namakkal District.

5.Kuzhanthaivel @ Mani,
S/o. Palani Samy Gounder, Near
Mariamman Kovil, Kaliyanoor,
Pallipalayam, Namakkal District.

6.Murugesan
s/o. Shanmugam, Vasantha Nagar,
Cauvery Rs, pallipalayam, Namakkal
District.



7.Duraisamy

S/o. Seeranga Gounder, 3/314, Anna
Nagar, pallipalayam, Namakkal
District.

8.Murugesan

S/o.Perumal, 81, Merckku
Thottipalayam, Asarikadu,
Samayasangili, pallipalayam, Namakkal
District.

9.Kodieshwaran

s/o. Kandasamy, Near
kalyanamandapam, 1st Cross, Santai
Road, pallipalayam, Namakkal District.

10.P.Perumal,

S/o. Palanisamy, PSK Line,
Devangapuram, pallipalayam,
Namakkal District.

11.Ranganathan

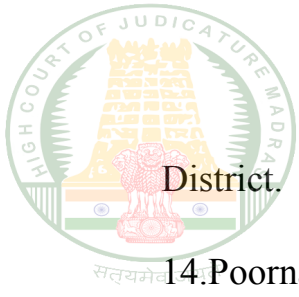
S/o. Kalyanasundaram, 456, Rajaji
Nagar, Cauvery Rs, Pallipalayam,
Namakkal District.

12.Jeevananthan

S/o.Kalyanasundaram, 456, Rajaji
Nagar, Cauvery RS, Pallipalayam,
Namakkal District.

13.Prabhu Kumar

S/o. Shanmugam, 276, Rajaji Nagar,
Cauvery RS, Pallipalayam, Namakkal



District.

14.Poornasamy,

S/o.Karuppanna Gounder,
Veerappampalayam, Kaliyanur,
Pallipalayam, Namakkal District.

15.Sengottaiyan

s/o. Kandasamy, 3/31, Lakshmi Nagar,
Agraharam, Pallipalayam, Namakkal
District.

16.Shanmugam

S/o. Pongiyanna Gounder, 4/432, Roja
Nagar, Agraharam, Pallipalayam,
Namakkal District.

17.Balachandran

s/o. shanmugam, 4/432, Kothukadu,
Agraharam, Pallipalayam, Namakkal
District.

18.Rajeshwaran @ Rajesh

S/o. Kaliyannar, 56A, Mampalayam
Road, Agraharam, Pallipalayam,
Namakkal District.

19.Venkatachalam

S/o. Subramani, 1-96, Elanthakuttai,
Pallipalayam, Namakkal District.

20.Govindaraj

S/o. Ramasamy, Krishna Nagar, OPP.To
Jayalakshmi Theatre, Pallipalayam,
Namakkal District.



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21.Kuppusamy,

S/o. Amavasai, Krishna Nagar, Opp.To

Jayalakshmi Theatre, Pallipalayam,

Namakkal District.

22.Balasubramaniam

s/o. Palanisami, 198, Poolakattur,

Vediyarasampalayam, Pallipalayam,

Namakkal District.

23.Ibrahim

S/o. Jalavudeen, Vela Street,

Surampatty Valasu, Erode District.

Petitioner(s)

Vs

1. The Inspector of Police,

Pallipalayam Police Station, Crime No.

105/2013, Namakkal District.

2.Balasubramani

s/o. Palanisamy, 1/95, Kulakkadu

Thootam, Senkuttaipalayam,

Samayasangili Agraharam,

Kumarapalayam Taluk, Namakkal

District.

Respondent(s)



CRL OP No. 18241 of 2025

This Criminal Original Petition is filed under Section 528 of BNSS, to withdraw the investigation in Crime No.104 of 2013 from the file of the 2nd respondent and to transfer the same to the 3rd respondent CBCID for fair and proper investigation in Crime No.104 of 2013.

CRL OP No. 18054 of 2025

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records and quash the criminal case in PRC No.25/2025 on the file of the learned Judicial Magistrate, Kumarapalayam for violation of the guidelines given in para No. 58 and 59 of the Hon'ble Full Bench Judgment in T.Balaji Vs State (2024 (5) CTC1 (FB) by allowing this Criminal Original petition.

For Petitioner(s)
in both the OPs

Mr.N. Manoharan

For Respondents
in Crl.O.P.No.18241 of 2025
and
For R1 in Crl.O.P.No.18054
of 2025

Dr.C.E.Pratap
Government Advocate
(Crl.Side)

For R2 in
Crl.O.P.No.18054 of 2025

Mr.A.Padmanaban

**ORDER**

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The Crl.O.P.No.18241 of 2025 has been filed to withdraw the investigation in Crime No.104 of 2013 from the file of the 2nd respondent and to transfer the same to the 3rd respondent CBCID for fair and proper investigation in Crime No.104 of 2013.

2. Crl.O.P.No.18054 of 2025 has been filed to call for the records and quash the criminal case in PRC No.25/2025 on the file of the learned Judicial Magistrate Court, Kumarapalayam for violation of the guidelines given in para No. 58 and 59 of the Hon'ble Full Bench Judgment in T.Balaji Vs State (2024 (5) CTC1 (FB)).

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

4. On a perusal of the records it is seen that there are two Crime Nos.104 and 105 of 2013, which are case and counter case. While the final report has been filed in Crime No.105 of 2013, the same was taken on file by the learned Judicial Magistrate, Kumarapalayam in PRC No.25 of 2025. In the earlier



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case, i.e., in Crime No.104 of 2013, the respondent-Police have not filed the charge sheet, whereas, the latter case in Crime No.105 of 2013, charge sheet was filed and the case is at the PRC stage. The respondent-Police have to conduct investigation simultaneously in both the case and counter case. Since they have violated the guidelines laid down by the Full Bench of this Court in T.Balaji & Another Vs The State, reported in 2014(5) CTC 1, the petitioners have filed these criminal original petitions.

5. It is submitted by the learned counsel for the petitioner in Crl.O.P.No.18241 of 2025 that in response to the petition filed under the RTI Act, the second respondent has furnished the information that entire case records relating to Crime No.104 of 2013 are found missing and the same is not traceable and hence, they proceed with the case in Crime No.105 of 2013.

6. When the Investigation in one case is pending, the respondent-Police have filed the charge sheet in the counter case, which is against the guidelines of the Hon'ble Supreme Court and Full Bench of this Court. Hence, the charge sheet filed in Cr.No.105 of 2013 which was taken on file as PRC No.25 of 2025 of the trial Court, is set aside. The respondent-Police is directed to conduct a



fresh investigation in both Crime Nos.104 and 105 of 2013 simultaneously and
file a charge sheet.

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

14-07-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

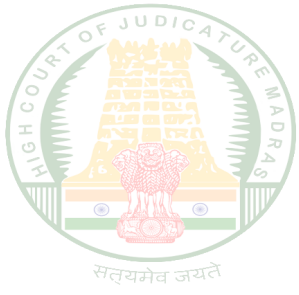
1. The Judicial Magistrate, Kumarapalayam.

2. The Superintendent of Police
Namakkal - 637003. Namakkal District.

3. The Inspector Of Police
Pallipalayam Police Station, Crime
No.104 of 2013, Namakkal District.

4. The Superintendent of Police
Crime Branch CID, Head Quarters, 24,
Pantheon Road, Chennai – 600008.

5. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J

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**CRL OP No. 18241 of
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CRL OP NO. 18054 OF
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& CRL MP NO. 11854
OF 2025,**

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