

Crl.OP(MD).No.12643 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON :25.06.2026

ORDER PRONOUNCED ON : 30.06.2026
CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl.OP(MD).No. 12643 of 2026
and
Crl.MP(MD).Nos.12427 & 12428 of 2026

Daniel

....Petitioner/Accused No.11

Vs

1.The State of Tamil Nadu
Rep.by the Inspector of Police
Thuckalay Police Station
Kanyakumari District
Crime No.628 of 2020

....1st Respondent/Complainant

2.Satheesh

...2nd Respondent/Defacto Complainant

Prayer:The Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita Act, 2023, to call for the records in connection with C.C.No.32 of 2023 on the file of the Judicial Magistrate at Padmanabhapuram, Kanyakumari District subsequently quash the same as devoid of merits and illegal forthwith.

For Petitioner

: Mr.S.Lakshmana Abish

For Respondents

:Mr.P.Samuel Gunasing
Government Advocate (Crl.side) for R1



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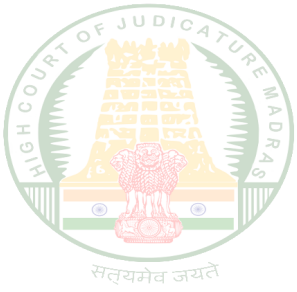
ORDER

WEB COPY The present petition has been filed by Accused No.11 in C.C.No.32 of 2023 on the file of the Judicial Magistrate at Padmanabhapuram, Kanyakumari District seeking to quash the charge sheet wherein the petitioner is charged with the offence under Sections 147, 148, 341, 294(b) and 506(2) I.P.C.

2.A perusal of the charge sheet reveals that the petitioner along with others at about 5.15 p.m on 16.05.2020 is said to have intercepted L.W.2 and attacked him with hands. They are charged with the allegation of abusing LW1, LW2 and LW4.

3.According to the learned counsel for the petitioner, merely because the occurrence have taken place in front of his house and he was present at the place of occurrence, he cannot be implicated in the criminal case. Due to previous enmity as against the petitioner, a false case has been foisted. No supportive document has been submitted on the side of the prosecution. While he was returning home, the petitioner had heard the wordy quarrel between the accused and the second respondent. However, the petitioner is no way connected with the said occurrence or the injuries alleged to have caused to the accused person. Hence, he prayed for quashing of the charge sheet.

4.Heard the learned counsel appearing on either side and perused the material records.



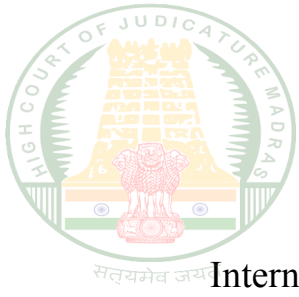
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5.A perusal of the charge sheet clearly reveals that specific overtact has been alleged as against A11 along with A1 and A2, he had intercepted LW2 and attacked him with his hands and later abused LW1, LW2 and LW4. In such circumstances, this Court is of the considered opinion that when specific overacts are alleged as against the petitioner herein, this Court cannot consider the contention of the petitioner that he is no way involved in the crime. Even as per the admission on the part of the petitioner, he was present in the scene of occurrence, but he pleads that he is no way connected with the offence.

6.In such circumstances, the defence raised by the petitioner is the subject matter of trial and the same cannot be considered in the quash petition especially when no legal grounds have been raised. However, the presence of the petitioner before the trial Court shall be dispensed with unless specifically directed by the trial Court.

7.In view of the above said deliberations, there are no merits in the petition and this Criminal Original Petition stands dismissed with the above said observations. Consequently, connected miscellaneous petitions are closed.

30-06-2026



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Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

1. The Judicial Magistrate at Padmanabhapuram, Kanyakumari District

2. The Inspector of Police
Thuckalay Police Station
Kanyakumari District
Crime No.628 of 2020

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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R.VIJAYAKUMAR, J.

msa

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