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Crl.O.P.No.28556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28556 of 2024

Rani

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Harur-636 908.
Dharmapuri District.

2. The Inspector of Police,
AWPS Harur Police Station,
Dharmapuri District.

3. M.Akila

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS,
to call for the records in C.C.No.121 of 2024 on the file of the Judicial
Magistrate, Harur, Dharmapuri District.

For Petitioner : Mr.Elamparithi

For R1 & R2 : Mr.S.Sugendran
Additional Public Prosecutor

For R3 : No appearance



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ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.121 of 2024 on the file of the Judicial Magistrate, Harur, Dharmapuri District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents/police and perused the materials available on record.

3. Learned counsel for the petitioner submitted that based on the complaint by the third respondent/*de-facto complianant*, the second respondent police registered a case as against the petitioner. Further, the petitioner along with her family members entered into a compromise between the defacto complainant. Based on the same, case in C.C.No.93 of 2024 was also closed by the learned Judicial Magistrate, Harur. Hence she is entitled to get the relief as sought for in this petition.



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4. Learned Additional Public Prosecutor appearing for the respondents/police submitted that originally, a charge sheet has been laid as against the three accused including the petitioner and same was taken on file as C.C.No.93 of 2024 on the file of the Judicial Magistrate, Harur. Since the petitioner was absconding, absconding charge sheet was filed and the case in C.C.No.93 of 2024 was split up as against the petitioner and the same was taken on file before the learned Judicial Magistrate, Harur in C.C.No.121 of 2024 and the same is pending. The case in C.C.No.93 of 2024 as against the other accused has been closed.

5. Since the petitioner is an absconding accused and the case as against the petitioner is still pending, she is not entitled to get the relief by invoking under Section 528 of BNSS.

6. In view of the same, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to take all her defence before the trial court.

18.12.2024

mfa

Index: Yes/No

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Speaking Order: Yes/No
Neutral Citation: Yes/No

To

1. The Deputy Superintendent of Police,
Harur-636 908.
Dharmapuri District.
2. The Inspector of Police,
AWPS Harur Police Station,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Chennai.
4. The Judicial Magistrate, Harur, Dharmapuri District.



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P.VELMURUGAN, J.

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