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Crl.O.P.Nos.31287 & 31392 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.31287 & 31392 of 2024 &
Crl.M.P.Nos.17802 & 17875 of 2024

K.Velumurugan

... Petitioner in both
Crl.O.Ps.

Vs.

1.The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

2.Mrs.Rajavalli

... Respondents in both
Crl.O.Ps.

Prayer in both Criminal Original Petitions: Criminal Original Petitions filed under Section 528 BNSS, to call for the records culminating in C.C.No.153 of 2022 and C.C.No.212 of 2023 on the file of the learned Judicial Magistrate-I, Jayankondam, Ariyalur District and quash the same.

For Petitioner in
both Crl.O.Ps' : Mr.K.Velkurugan

For Respondents in
both Crl.O.Ps' : Mr.S.Sugendran
Additional Public Prosecutor
for R1



Crl.O.P.Nos.31287 & 31392 of 2024

COMMON ORDER

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Heard the learned counsel on either side and perused the materials available on record.

2. The Criminal Original Petitions are filed to quash the proceedings in C.C.No.153 of 2022 and C.C.No. 212 of 2023, on the file of the learned Judicial Magistrate-I, Jayankondam, Ariyalur District.

3. Two separate complaints were filed by the de facto complainant, which led to the registration of two distinct criminal cases. In C.C. No.153 of 2022 (Crl.O.P. No. 31287 of 2024), the petitioner is arrayed as Accused No. 2, and the final report has been filed against the petitioner for offenses under Sections 294(b), 323, 506(i) IPC, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. In C.C.No.212 of 2023 (Crl.O.P. No. 31392 of 2024), the petitioner is arrayed as Accused No.6, and the final report has been filed against the petitioner for offenses under Sections 147, 148, 294(b), 427, and 506(ii) of the Indian Penal Code (IPC).

4. The main contention of the learned counsel for the petitioner is that the petitioner was not present at the place of occurrence in either of the two incidents. The petitioner asserts that at the time of the alleged incidents, he



Crl.O.P.Nos.31287 & 31392 of 2024

was preparing for government exams at NR IAS Academy, Trichy, and Winner Coaching Centre, Villupuram, respectively, and was attending classes. Therefore, the petitioner claims that he was falsely implicated in both cases due to an ongoing property dispute.

5. Upon a careful reading of the materials available and the statements recorded from the witnesses, this Court finds that there is sufficient prima facie material to proceed with the cases. The defense raised by the petitioner, particularly the alibi, is not a conclusive ground to quash the proceedings at this stage. The defence of alibi can be raised during the trial, but it does not warrant the dismissal of the cases at this preliminary stage. The learned Judicial Magistrate is directed to expedite the trial of the cases and ensure their completion within a period of three months from the date of receipt of a copy of this order. Both parties are further directed to cooperate and expedite the trial proceedings.

6. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

17.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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Crl.O.P.Nos.31287 & 31392 of 2024

WEB COPY

To

1. The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
2. The Judicial Magistrate-I, Jayankondam,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.



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Crl.O.P.Nos.31287 & 31392 of 2024

P.VELMURUGAN, J

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