



Crl.O.P.(MD)No.20727 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20727 of 2024

and

Crl.M.P(MD) Nos.12816 and 12817 of 2024

1.S.John Edward Raj
2. George

.. Petitioners

Vs

1. The Inspector of Police
Puthukadai Police Station
Kanyakumari District

2. N.Jaya

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
calling for the records in C.C. No. 1199 of 2022 on the file of Judicial
Magistrate, No.II, Kuzhithurai and to quash the same

For Petitioners : Mr.S.C.Herold Singh

For Respondents : Mr.K.Sanjai Gandhi
No.1 Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 1199 of 2022 on the file of Judicial Magistrate, No.II, Kuzhithurai.

2. The primary contention of the petitioner is that the date of occurrence in this case is 24.09.2012 and the date of complaint is 28.09.2013 and there is no reason given for delay in lodging the complaint. Further in this case after completion of investigation charge sheet filed on 06.12.2022 after ten years of the offence.

3. The case projected against the petitioners is that the petitioners had threatened the victims with deadly weapons. In this case no deadly weapon has been seized or produced. Hence the respondent police for statistical purpose has generated a complaint and a false case has been projected as against the petitioners. Hence he prayed for quashing the charge sheet.



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4. The learned Government Advocate(Crl.Side) submitted that the petitioners are rowdy elements and against A1 several similar cases are pending.. In this case the victim is the lady and the petitioners have placed knife on her and threatened her to inform her husband to withdraw the case preferred by him against the petitioners.

5. The petitioners contention can be tested only during trial and all these factual disputes cannot be decided in the quash application.

6. In view of the same, this court finds that the points raised by the learned counsel appearing for the petitioners are factual in nature which has to be necessarily decided by the trial Court during trial.

7. In view of the same the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petition stands closed.

28.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, No.II, Kuzhithurai.
2. The Inspector of Police
Puthukadai Police Station
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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