



Crl.O.P.No.2078 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.2078 of 2025

and

Crl.M.P.No.1268 of 2025

1. Prem Kumar
2. Gayathri

... Petitioners

Vs.

1. The Superintendent of Police,
Nilgiris District, The Nilgiris,
Tamil Nadu.

2. State rep.by
Inspector of Police,
B-1, Ooty Town Central Police Station,
Tamil Nadu.

3. G.Nathiya

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Spl.S.C.No.07 of 2023 on the file of the District Judge-cum-Chief Judicial Magistrate, Udthagamandalam and quash the same.

For Petitioners : Mr.L.K.Charles Alexander

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor
for R1 and R2



Crl.O.P.No.2078 of 2025

ORDER

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This Criminal Original Petition is filed to quash the proceedings in Spl.S.C.No.07 of 2023 on the file of the District Judge-cum-Chief Judicial Magistrate, Udhagamandalam.

2. Heard both sides and perused the materials available on record.

3. It is seen from the records that based on the complaint given by the third respondent herein, the second respondent-Police registered a case in Crime No.116 of 2022 against the petitioners for the offences under Sections 294(b), 354A and Sections 3(1)I, 3(1)(s) and 3(2)(va) of Schedule Cases and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015. On completion of investigation, the respondents-Police filed a charge sheet before the learned District Judge-cum-Chief Judicial Magistrate, Udhagamandalam and the same was taken on file in Spl.S.C.No.07 of 2023. Now the said case is pending at the stage of trial. Challenging the same, the petitioners have come forward with the present petition seeking to quash the proceedings in Spl.S.C.No.07 of 2023.

4. On a perusal of the records it is seen that *prima facie* there are



Crl.O.P.No.2078 of 2025

materials against the petitioners to proceed with the case further and it is a matter for trial and only after completion of trial, the involvement of the petitioners in the alleged offence will come to light. Hence this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. However, the petitioners are at liberty to take all their defences before the trial Court in Spl.S.C.No.07 of 2023.

5. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

28.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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Crl.O.P.No.2078 of 2025

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To

1. The District Judge-cum-Chief Judicial Magistrate,
Udhagamandalam.
2. The Superintendent of Police,
Nilgiris District, The Nilgiris,
Tamil Nadu.
3. The Inspector of Police,
B-1, Ooty Town Central Police Station,
Tamil Nadu.
4. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.2078 of 2025

P.VELMURUGAN, J

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CrI.O.P.No.2078 of 2025

28.01.2025