



Crl.R.C.No.392 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.392 of 2025

and

Crl.M.P.Nos.4170 & 4172 of 2025

Darshan

... Petitioner

Vs

The Inspector of Police,
District Crime Branch,
Vellore,
Vellore District.

... Respondent

PRAYER:

Criminal Revision petition filed under Section 438 read with 442 of BNSS, to call for the entire records in pursuant to the case in Crl.M.P.No.2216 of 2024 in C.C.No.383 of 2023 on the file of the Judicial Magistrate No.II, Vellore, Vellore District *vide* order dated 10.02.2025.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner has filed this criminal revision petition challenging the order dated 10.02.2025 passed in Crl.M.P.No.2216 of 2024 in C.C.No.383 of 2023 by the learned Judicial Magistrate No.II, Vellore.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

3. Learned counsel for the petitioner submitted that dispute between the parties is civil in nature. There is no overtact attributed as against the petitioner in the alleged offence. There is no *prima facie* material available against the petitioner. Hence, the petitioner has filed a petition under Section 239 Cr.P.C., in Crl.M.P.No.2216 of 2024 in C.C.No.383 of 2023, seeking to discharge him from the case in C.C.No.383 of 2023 which is pending on the file of the learned Judicial Magistrate No.II, Vellore. The learned Magistrate failed to consider the facts and circumstances of the case and also the allegations levelled



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against the petitioner, *vide* impugned order dated 10.02.2025 dismissed the discharge petition. Aggrieved by the same, the petitioner has filed this criminal revision petition before this Court.

4. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner has been arrayed as A2 in the said case. There are *prima facie* allegations available as against the petitioner also. The trial court considered the material facts, charge sheet along with statement recorded by the Investigating Officer and the witnesses found that *prima facie* materials are available as against the petitioner and dismissed the petition filed by the petitioner. There is no merit in the criminal revision petition and the same is liable to be dismissed.

5. Admittedly, the respondent-Police registered as against the petitioner and yet another person in Crime No.383 of 2023 and after completion of investigation, laid a charge sheet, in which, the petitioner has been arrayed as A2. A reading of the complaint filed by the *de-facto* complainant, charge sheet and statement of witnesses reveal that *prima facie* materials are available to proceed the case further as against the



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petitioner also. At the time of deciding the petition for discharge, the Court has to see only the materials produced by the prosecution as to whether *prima facie* materials available to proceed the case further as against the accused. The Court cannot conduct a roving enquiry on the validity of the statement and records. Equally, it is settled proposition of law that at the time of deciding discharge petition, the Court cannot look into the defence taken by the accused and the same can only be agitated during trial. The grounds taken by the petitioner in this revision are nothing but defence, which can only be agitated during trial not at this stage. There is no merit in the revision petition.

6. In view of the same, this Criminal Revision petition is dismissed at the admission stage itself. Consequently, connected miscellaneous petitions are closed. However, the petitioner is at liberty to take all his defence before the trial court.

07.03.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.II, Vellore.
2. The Inspector of Police,
District Crime Branch,
Vellore, Vellore District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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