

Crl.O.P.(MD)No.4065 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.(MD)No.4065 of 2025

and

Crl.M.P.(MD)No.2868 of 2025

1. Gnanathiraviam

2. D.Jayasingh

3. Manohar @ Manohar Thangaraj

... Petitioners

Vs

1. State represented by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli District.

2. Godfrey Noble

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records and to quash the charge sheet filed in C.C.No.1287 of 2024 on the file of the learned Judicial Magistrate No.I, Tirunelveli for the offences punishable under Sections 109 read with 147, 294(b), 323 and 506(i) of Indian Penal Code on the file of the first respondent Police.

For Petitioners : Mr.R.John Sathyan



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Senior Counsel
for Mr.P.Divakar

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 :No appearance

ORDER

This Criminal Original Petition has been filed seeking to call for the records and to quash the charge sheet filed in C.C.No.1287 of 2024 on the file of the Judicial Magistrate Court No.I, Tirunelveli for the offences punishable under Sections 109 read with 147, 294(b), 323 and 506(i) of the Indian Penal Code on the file of the first respondent/Police.

2. Heard the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent-Police and perused the materials available on record.

3. Learned Senior counsel for the petitioners submitted that the petitioners are innocent persons and they have not involved in any of the offences as alleged by the prosecution. Absolutely, no material is



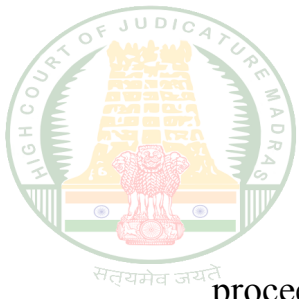
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available to show that the petitioners abettted the other accused in assaulting the de-facto complainant. None of the prosecution witnesses have stated that the petitioners instigated the other accused to abuse or assault the de-facto complainant. The *defacto* complainant has made a false case against the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent-Police submitted that *prima facie* allegations are available as against the petitioners. The statements recorded under Section 161 Cr.P.C clearly show the involvement of the petitioners in the offences. Hence the petitioners are not entitled to the relief as sought for in this petition.

5. Admittedly, an F.I.R was registered as against the petitioners and the witnesses have given statements as against the petitioners. A reading of the complaint, FIR and the statements recorded by the Investigating Officer from the witnesses, especially, the de-facto complainant show that there are *prima facie* materials available to



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proceed the case further. Therefore, it is not a fit case to quash the C.C. by invoking Section 528 of B.N.S.S. The grounds taken by the petitioners are nothing but defence which can be agitated only during the course of trial before the trial Court. The petitioners are at liberty to take all their defence before the trial Court.

6. With the abovesaid direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

16.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.I, Tirunelveli
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J

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and
CrI.M.P.(MD)No.2868 of 2025**

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