



Crl.O.P.No.29509 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.29509 of 2024

and

Crl.M.P.No.16505 of 2024

Nikaash @ Rajnikaash

.. Petitioner

Vs.

1. The Inspector of Police,
Udumalpet Police Station,
Udumalpet.

2. P.Selvaganesh
Constable,
Udumalpet Police Station,
Udumalpet.

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS praying to call for records pertaining to C.C.No.496 of 2017 on the file of the Judicial Magistrate No.1, Udumalpet and quash the same.

For petitioner : Mr.Harish Kumar for M/s.HSR Advocates and Legal Consultants

For respondents: Mr.S.Sugendran, Addl.P.P. for RR-1

No appearance for R-2

Page No.1/5



WEB COPY



Crl.O.P.No.29509 of 2024

ORDER

The petitioner has filed the present Criminal Original Petition praying to call for records pertaining to C.C.No.496 of 2017 on the file of the Judicial Magistrate No.1, Udumalpet and quash the same.

2. Learned counsel for the petitioner submitted that there are no materials to show that the de-facto complainant is in Uniformed Services and other eye-witnesses turned hostile. Therefore, there are no materials to convict the petitioner (A2). Hence, the learned counsel prayed that the said C.C.No.496 of 2017 may be quashed.

3. Learned Additional Public Prosecutor appearing for the first respondent submitted that, already, examination of all the prosecution witnesses, is over. The case is coming for defence side evidence. It is for the defence to report as to whether the defence has got any witnesses to be examined or not.

4. In the above circumstances, since the matter is pending from 2017, and the trial has already commenced and the examination of the prosecution witnesses is over, the grounds taken by the petitioner/A2 are not the reasons for quashing the case. Therefore, it is the matter of defence. Hence, the petitioner/A2 is at liberty to take all his defence before the trial Court.

Page No.2/5



Crl.O.P.No.29509 of 2024

WEB COPY

5. With the above observations, this petition is dismissed. Consequently,

Crl.M.P. is closed.

08.01.2025

CS

To

1. The Judicial Magistrate No.1, Udumalpet.
2. The Inspector of Police,
Udumalpet Police Station,
Udumalpet.
3. The Constable,
Udumalpet Police Station,
Udumalpet.
4. The Public Prosecutor, High Court, Madras.

Page No.3/5



WEB COPY



CrI.O.P.No.29509 of 2024

P.VELMURUGAN, J

CS

CrI.O.P.No.29509 of 2024

Page No.4/5



WEB COPY



Crl.O.P.No.29509 of 2024

08.01.2025

Page No.5/5