



CrI.O.P.No.14148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.14148 of 2025

1. Prince @ Rajini
 2. John Nepoliyan @ Marthandan
 3. Stalin
- ... Petitioners

Vs.

1. Inspector of Police,
Thammampatty Police Station,
Salem.
 2. Anthony Hentry
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the charge-sheet filed against the petitioner in C.C.No.127 of 2024 pending on the file of the Judicial Magistrate – II, Attur, Salem.

For Petitioners : Mr.S.Karthika

For Respondents : Dr.C.E.Pratap
Government Advocate (CrI.Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash the charge-sheet filed against the petitioners in C.C.No.127 of 2024 pending on the file of the Judicial Magistrate – II, Attur, Salem.

2. The case of the prosecution as per the *de-facto* complainant is that the petitioners trespassed into his house and attacked him with deadly weapons and also stolen four sovereigns of gold chain and that the first respondent-Police registered a case in Crime No.206 of 2022 for the offences under Sections 448, 427, 379 and 506(2) IPC against the petitioners. After due enquiry, a charge sheet in C.C.No.127 of 2024 was filed before the Judicial Magistrate No.II, Attur, Salem.

3. Learned counsel for the petitioners submitted that due to previous enmity between the petitioners and the second respondent herein/*de-facto* complainant, a false case has been foisted against the petitioners. He further submitted that there are contradictions between the statement of the *de-facto* complainant and the statements of list of witnesses and alteration report also proves that a false case has been foisted against the petitioners.



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4. Learned Government Advocate (CrI.Side) appearing for the first

respondent-Police, on instructions, submitted that due to previous enmity, the petitioners attacked the *de-facto* complainant with deadly weapons. He further submitted that list of witnesses have also clearly spoken about the involvement of the petitioners in the alleged occurrence.

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

6. On a reading of the entire materials and statement of witnesses recorded under Section 161(3) Cr.P.C, this Court finds that *prima facie* there are materials against the petitioners to proceed the case further and it is a matter for trial. Whether the petitioners are involved in the alleged offence or not can be decided only after trial and hence, this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. Hence, the Criminal Original Petition is dismissed.

03.06.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

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1. The Judicial Magistrate -II,
Attur, Salem District.
2. The Inspector of Police,
Thammampatty Police Station,
Salem.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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