



Crl.O.P.No.16335 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.16335 of 2025

and

Crl.M.P.No.10204 of 2025

Perumal

... Petitioner

Vs.

1. The Superintendent of Police
Ranipet District, Ranipet

2. The State rep. by
The Sub-Inspector of Police
Kaveripakkam Police Station
Kaveripakkam, Ranipet District
(Crime No.327 of 2021)

3. Kumaresan

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records pertaining to C.C.No.38 of 2024 on the file of the District Munsif-cum-Judicial Magistrate No.I, Walajapet and quash the same.



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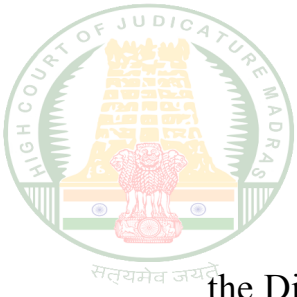
For Petitioner : No Appearance
For Respondents 1 & 2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the case in C.C.No.38 of 2024 on the file of the District Munsif-cum-Judicial Magistrate No.I, Walajapet.

2. There is no representation for the petitioner.

3. The case of the prosecution is that on 23.10.2021 at about 9.00 p.m., when the third respondent/defacto complainant went to a hotel to get tiffin for his family, the petitioner who was in an inebriated condition outside the hotel, abused the defacto complainant in filthy language and also slapped him by stating that he would take away his life. Hence, based on the complaint given by the defacto complainant, the FIR in Crime No.327 of 2021 was registered by the second respondent police for the offence under Sections 294(b), 323 and 506(i) of IPC on 24.10.2021. After completion of investigation, the respondent police filed the charge sheet and the same was taken on file in C.C.No.38 of 2024 on the file of



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the District Munsif-cum-Judicial Magistrate No.I, Walajapet. The present petition has been filed by the petitioner/accused to quash the C.C.

4. The learned Government Advocate (Crl. Side) appearing for the respondents police submitted that there is a specific overt-act as against the petitioner and the investigation revealed that the petitioner had committed the alleged offence. Therefore, the respondent police filed the charge sheet as against the petitioner.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondents police and perused the materials available on record.

6. Since no adverse order is being passed as against the third respondent, notice to the third respondent is dispensed with.

7. A reading of the complaint, FIR and the statements recorded by the Investigating Officer from the witnesses, especially the defacto complainant/victim shows that there is a specific overt-act as against the petitioner and there are prima facie materials to 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.

8. Accordingly, this Criminal Original Petition is dismissed.



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Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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1. The District Munsif-cum-Judicial Magistrate No.I,
Walajapet.
2. The Superintendent of Police
Ranipet District, Ranipet
3. The Sub-Inspector of Police
Kaveripakkam Police Station
Kaveripakkam, Ranipet District
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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