



WEB COPY

CRL OP No. 10299 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 10299 of 2025

1. M.Nestor

S/o. Mamadouyoube, No.31, Second
Cross Street, Ezhil Nagar, Lawspet,
Puducherry.

Petitioner(s)

Vs

1. The State Rep.by, Inspector of
Police,
Lawspet Police Station, Puducherry.
Cr.No.134/2022.

2.Careline Claude

W/o. Marie Claude, No.2, Iyenar Koil
Street, Ezhil Nagar, Puducherry.

Respondent(s)

PRAYER To call for the records and quash the complaint in CC.No.558 of 2022 pending on the file of the Court of Judicial Magistrate-I, Puducherry in so far as the petitioner / Accused No.2 in concerned and to pass such other or further orders.



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For Petitioner(s): Mr.T. Saikrishnan

For Defacto Complainant: Mr.Gladys Daniel

For Respondent(s): Mr.K.S.Mohandoss, Public
Prosecutor Puducherry assisted
by M/s.N.Dhanalakshmi

ORDER

The petitioner seeking quash of the final report for the alleged offences under Sections 448, 427, 324, 294(b), 506(i) of IPC r/w Section 34 of IPC.

2.The allegation is that the petitioner along with other accused had trespassed into the defacto complainant's house, broke open the gate of the house, damaged the household articles and assaulted the defacto complainant and her husband, by using wooden stick.

3.Mr.T. Saikrishnan, learned counsel appearing for the petitioner would submit that the allegations are false; that there is a money dispute between the petitioner and the defacto complainant; and that the petitioner has been falsely implicated in this case. The learned counsel for the petitioner further pointed out the details of the money transactions and the statement of some of the witnesses, which confirm that there is a money dispute.



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4. Ms. Gladys Daniel, learned counsel took notice for the 2nd respondent.

The learned counsel vehemently opposed the prayer for quashing of the proceedings and submitted that there are CCTV footages to show that the petitioner was also involved in the occurrence and also requested this Court to watch the footages which would confirm the prosecution case.

5. There are allegations against the petitioner that he had also participated in the occurrence. The point raised by the petitioner that the impugned final report is motivated and false, has to be adjudicated only in the trial. Hence, this Court is not inclined to entertain the quash petition.

6. However, considering the age of the petitioner, the appearance of the petitioner before the trial Court is dispensed with except on the hearings when his presence is required for the progress of the trial.

7. Accordingly, this Criminal Original Petition is disposed of.

gbi

29-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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SUNDER MOHAN J.

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