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CrI.O.P.No.13642 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.13642 of 2025 and

CrI.M.P.No.9056 of 2025

1. Murugesan @ Rajamoorthy

2. Sivasankar @ Sankar

... Petitioners

Vs.

1. State Rep. by

The Inspector of Police

Kalapet Police Station, Puducherry

(In Crime No.47 of 2018)

2. Arumugam

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the charge sheet in C.C.No.1631 of 2019, pending on the file of the learned Judicial Magistrate No.V, Puducherry and quash the same in so far as the petitioner is concerned.

For Petitioner : M/s.T.Lavanya

For 1st Respondent : Mr.K.S.Mohandas

Additional Public Prosecutor (Puducherry)

Assisted by Mrs.N.Danalatchumy



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ORDER

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This Criminal Original Petition has been filed by the petitioners to quash the charge sheet in C.C.No.1631 of 2019, pending on the file of the learned Judicial Magistrate No.V, Puducherry insofar as the petitioners are concerned.

2. The case of the prosecution is that, based on the complaint given by the defacto complainant/second respondent on 23.07.2018 alleging that the petitioners along with two others attacked him with wooden log and iron rod, the first respondent police registered a case against the accused persons in Crime No.47 of 2018 for the offences under Sections 341, 323, 324 read with 34 IPC. After completion of investigation, the first respondent police filed the charge sheet and the same was taken on file in C.C.No.1631 of 2019 by the Judicial Magistrate No.V, Puducherry. Pending trial, the petitioners/accused have filed the present petition seeking to quash the charge sheet.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor (Pondicherry) appearing for the first respondent



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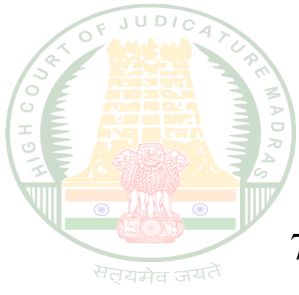
police and also perused the materials available on record.

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4. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

5. It is stated by the learned Additional Public Prosecutor (Pondicherry) that the case has been posted to 23.06.2025 for commencement of trial. A reading of the materials, statements recorded from the witnesses and also the medical records shows prima facie allegations against the petitioners and that there are prima facie materials to proceed the case further. Therefore, this Court is not inclined to quash the charge sheet. The grounds taken by the petitioners are nothing but defence, which can be agitated before the trial Court during trial.

6. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petition is closed.



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7. However, the petitioners are at liberty to take all their defence before

the trial Court during trial.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate No.V,
Puducherry
2. The Inspector of Police
Kalapet Police Station
Puducherry
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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