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CrI.O.P.No.12098 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

CrI.O.P.No.12098 of 2025

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1.A.Shiek Alavdeen @ Deen Maraikar
2.Kadhar Oli

.. Petitioners

Vs.

1.The Inspector of Police,
Nagoor Police Station,
Nagapattinam District.

2.Mr.Musthaba

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the impugned charge sheet in S.T.C.No.79 of 2025 on the file of the learned Judicial Magistrate-II, Nagapattinam and quash the same.

For petitioners : Mr.P.Pugalenth

For respondents : Dr.C.E.Pratap
Government Advocate (Criminal Side) for R1

No appearance for R2



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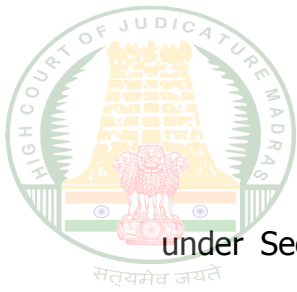
ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in S.T.C.No.79 of 2025 on the file of the Judicial Magistrate Court-II, Nagapattinam, arising out of Crime No.171 of 2023 registered by the first respondent police for the alleged offences under Sections 294(b), 352, 506(ii) IPC and Section 67 of the Information Technology Act, 2000.

2. The learned counsel for the petitioners submitted that the genesis of the present case is a petty quarrel arising out of a parking issue. It is stated that on 23.04.2023, the son-in-law of the second respondent/de-facto complainant parked his car in a no-parking area in front of the petitioners' residence. Upon being requested to remove the vehicle, it resulted in a wordy quarrel, which later led to the registration of the FIR. It is contended that no physical assault took place, no injuries were sustained by anyone, and the allegations do not disclose the ingredients of any cognizable offence.

3. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent submitted that a prima facie case has been made out against the petitioners. The complaint discloses specific overt acts attributed to the accused persons. The police, after conducting investigation, have laid the charge sheet before the learned jurisdictional Magistrate. The statements of witnesses recorded



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under Section 161 Cr.P.C. also support the version of the de-facto complainant.

Hence, it is submitted that the petitioners ought to face trial and that the charge sheet cannot be quashed at this stage merely on the basis of their defence.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. A perusal of the FIR, the final report and the accompanying materials including the statements recorded under Section 161 Cr.P.C., reveals that there are allegations against the petitioners which, if taken at face value, do prima facie disclose the commission of the alleged offences. Whether such allegations are ultimately proved or not is a matter for trial, and this Court is not expected to conduct a roving inquiry under Section 528 of BNSS at this preliminary stage.

6. It is settled law that where the allegations in the FIR and the materials collected during investigation disclose a cognizable offence, the Court would ordinarily not exercise its inherent jurisdiction to quash the proceedings, unless the same are manifestly frivolous, vexatious or an abuse of the process of law.

7. The grounds urged by the petitioners pertain to factual aspects and matters of defence, which require appreciation of evidence and examination of witnesses, and hence cannot be adjudicated in a petition under Section 528 BNSS.



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The petitioners shall be at liberty to raise all their defences before the trial Court at the appropriate stage.

8. In the light of the above, this Court does not find any reason to interfere with the charge sheet filed in S.T.C.No.79 of 2025. Accordingly, the Criminal Original Petition stands dismissed. However, it is made clear that the observations made herein are only for the purpose of deciding this petition and shall not influence the trial Court in any manner.

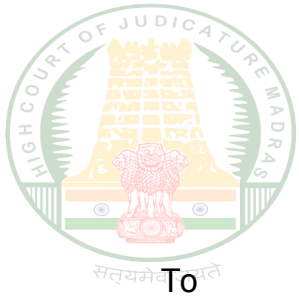
01.07.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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- To
- 1.The Judicial Magistrate-II,
Nagapattinam.
 - 2.The Inspector of Police,
Nagoor Police Station,
Nagapattinam District.
 3. The Public Prosecutor,
Madras High Court, Chennai.



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