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CRL OP No. 26253 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 26253 of 2025

&

Crl.M.P.Nos.17858 & 17859 of 2025

1. Murugasamy

S/o Samiyappan, 8D, Geetha Nagar,
Dharapuram, Thirupur District.

Petitioner(s)

Vs

1. The State Rep by, The Inspector of
Police
Dharapuram Police Station, Thirupur
District. (Crime No. 334/2019)

2.Sivalingam

S/o. Samiappa Gounder, Kuruvankattu
Thottam, Kathapullapatty, Dharapuram
TK.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to Call for the records relating to CC.No.123 of 2023 on the file of the Learned Judicial magistrate, Dharapuram and to Quash the same.



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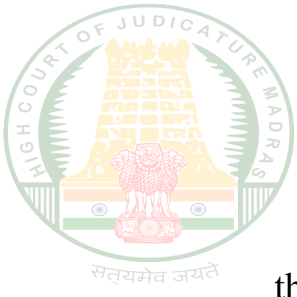
For Petitioner(s): Mr.T.Muruganandam,
for Mr.V.Regunathan

For Respondent(s): Mr.R.Vinodhraj,
Government Advocate [Crl.Side] – R1

ORDER

Challenging the final report filed in C.C.No.123 of 2023 on the file of the Judicial Magistrate Court, Dharapuram for the offences under sections 294[b], 506[ii] and 326 of IPC, the present Criminal Original Petition has been filed.

2. The charges against the petitioner is that he abused the defacto complainant and he had also caused grievous hurt by using iron liver besides intimidated him. Earlier similar relief has been sought in Criminal Original Petition in Crl.O.P.No.2662 of 2024 and this Court directed the trial Court to conduct joint trial as per the direction issued by the Full Bench of this Court in Balaji Vs. State of Tamilnadu. Challenging the said Order, SLP has been filed before the Honourable Supreme Court and the Honourable Supreme Court in SLP.o.3893-3894 of 2025 had passed the following Order :



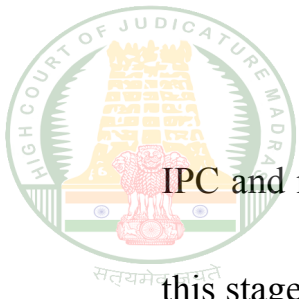
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“After some arguments, we are not inclined to interfere in the present Special Leave Petitions for the simple reason that the petitioner ought to have first approached the High Court against the order impugned. Accordingly, the Special Leave Petitions stand disposed of with liberty to the petitioner to move before the jurisdictional High Court. If the same is done within four weeks from today the High Court shall consider and dispose of the matters on merits.”

3. Once again, the petitioner has filed the present petition. It is the contention of the learned counsel appearing for the petitioner that injury is only a contusion and therefore, there cannot be any grievous hurt and charge under section 326 of IPC against the petitioner has not been made out. He had also made his submissions with regard to other charges.

4. The very contention of the petitioner cannot be countenanced. What is the nature of grievous hurt is clearly defined in the offence under section 320



IPC and medical evidence also pointed out that it is a grievous hurt. Hence, at

this stage, this Court cannot conduct roving enquiry to hold that there is no such

injury, exercising its jurisdiction under section 482 of CrI.P.C528 BNSS. It is a

matter of appreciation of evidence of the medical expert which has to be

testified before the trial Court. In such view of the matter, I do not find any

merits in this petition.

5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

24-09-2025

Index: Yes/No

Speaking/Non-speaking order

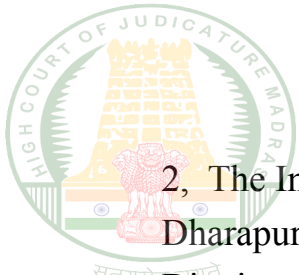
Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate
Dharapuram.



CRL OP No. 26253 of 2019



2, The Inspector of Police
Dharapuram Police Station, Thirupur
District. (Crime No. 334/2019)

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3. The Public Prosecutor,
High Court, Madras.



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N.SATHISH KUMAR J.

vrc

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