



Crl.O.P.No.16317 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.16317 of 2025 and
Crl.M.P.Nos.10179 and 10180 of 2025**

Mahalingam

... Petitioner

Vs.

1. State, Rep. by its Inspector of Police
DCB, Salem

2. Geetha

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records of the proceedings in C.C.No.1169 of 2024 and quash the proceedings in C.C.No.1169 of 2024 in respect of this petitioner (A13) is concerned pending on the file of the Judicial Magistrate-VI, Salem.

For Petitioner : Mr.B.Ravi

For 1st Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner to quash the proceedings in C.C.No.1169 of 2024 in respect of this petitioner/A13 is concerned pending on the file of the Judicial Magistrate-VI, Salem.

2. The learned counsel for the petitioner submitted that the petitioner who has been arrayed as A13 is only a document writer and he has no role either with forgery of documents or in cheating the parties. Who ever approaches him, as a document writer he used to prepare documents as per their instructions and hand over the same to the registration department and that there is no specific overt act as against the petitioner. No ingredients have been made out as against the petitioner. Therefore, the case in C.C.No.1169 of 2024 has to be quashed insofar as the petitioner is concerned.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent police submitted that after the case was taken on file in C.C.No.1169 of 2024, summons were served to all the accused except A1. Hence, fresh summon has been served on A1 and the case is posted



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on 25.06.2025 for further proceedings. He further submitted that the statements recorded from the witnesses under Section 161 Cr.P.C. clearly reveals the involvement of the petitioner. Since there are prima facie allegation against the petitioner, the petitioner has to face the trial and it is not a fit case for quashing C.C.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent police and also perused the materials available on record.

5. Since adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

6. A perusal of records shows that based on the complaint given by the defato complainant/second respondent, the first respondent police registered the FIR in Crime No.2 of 2021 against the petitioner and 13 others for the offence under Sections 120B, 468, 471, 420 and 506(1) of IPC and after completion of investigation, filed the charge sheet and the same was taken on file in C.C.No.1169 of 2024 on the file of the Judicial Magistrate-VI, Salem. Pending trial, the petitioner has filed the present petition seeking to quash the C.C. against him.



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7. A reading of the FIR and the statements recorded from the witnesses shows that the petitioner who has been arrayed as A13 is a Document Writer and there are prima facie allegations against the petitioner for the offence under Section 120B IPC. Once the prosecution laid the charge sheet based on the investigation, the prosecution has to be given opportunity to substantiate the charges. The Court while exercising its power under Section 528 of B.N.S.S., the Court has to see as to whether there are any grounds to quash the case and that the Court has to exercise its power sparingly.

8. In this case, a reading of the materials shows that there are prima facie materials against the petitioner and the statements of the witnesses also reveals the same. The grounds taken by the petitioner are nothing but defence which can be agitated only during trial before the trial Court and the same cannot be decided by this Court while exercising its power under Section 528 of B.N.S.S.

9. Therefore, this Criminal Original Petition is dismissed at the admission stage itself. Consequently, the connected Miscellaneous Petitions are closed.



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10. However, the petitioner is at liberty to take all his defence before the trial Court during trial.

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate-VI,
Salem.
2. The Inspector of Police
DCB, Salem
3. The Public Prosecutor,
High Court of Madras, Chennai.



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P.VELMURUGAN, J.

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