



Crl.O.P.No.14265 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14265 of 2025

and

Crl.M.P.Nos.9850 & 9853 of 2025

1. Naresh Kumar

2. Krishnaveni

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Attur Town Police Station,
Salem District.

2. Angamuthu

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records in C.C.No.380 of 2023 pending on the file of the learned Judicial Magistrate No.I, Attur, Salem and to quash the final report and all further proceedings.

For Petitioners : Mr.S.Ashok Kumar

For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking to call for the records in C.C.No.380 of 2023 pending on the file of the learned Judicial Magistrate No.1, Attur, Salem and to quash the final report and all further proceedings.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) accepting the notice for the respondent-Police.

3. Learned counsel for the petitioners submitted that the first petitioner is none other than the executor of the Will executed by her own sister namely late one Mrs.Kumudha. The second petitioner is the wife of the first petitioner. He further submitted that the dispute between the parties is civil in nature and that a false case has been foisted as against the petitioners in order to grab the properties. There is no material available to show that Mr.Geethesan, S/o the said Mrs.Kumudha is a mentally retarded person. The first respondent-Police



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also colluded with the complainant/R2, and registered a false case.

Hence, he prayed to quash the C.C.No.380 of 2023 pending on the file of the learned Judicial Magistrate No.1, Attur, Salem.

4. This Court has considered the submissions of the learned counsel on either side and perused the materials available on record.

5. The main allegation as against the petitioners is that a power of attorney dated 03.07.2023 has been executed fraudulently in favour of Mr.Arulprakash in order to grab the properties. Upon perusal of the statements recorded from the witnesses and also the materials placed along with the charge sheet, this Court finds that there are prima facie materials available to proceed with the case as against the petitioners. The grounds taken by the petitioners are nothing but defences which can be agitated only during trial before the Trial Court. Considering the facts and circumstances of the case, this Court is not inclined to quash the case in C.C.No.380 of 2023 pending on the file of the learned Judicial Magistrate No.1, Attur, Salem.



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6. In view of the same, this Criminal Original Petition is dismissed. The personal appearance of the second petitioner/second accused is dispensed with before the Trial Court. However, the second petitioner has to appear before the Trial Court as and when her presence is required. Consequently, the connected miscellaneous petitions are also dismissed.

03.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I, Attur, Salem
2. The Inspector of Police,
Attur Town Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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