



Crl.O.P.No.16329 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.16329 of 2025 and
Crl.M.P.No.10194 of 2025**

V.Samykannu

... Petitioner

Vs.

1. The State rep. by its
Inspector of Police
Kunnam Police Station
Perambalur -District
Crime No.49 of 2022

2. Muthusamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS 2023, to call for the records of the charge sheet dated 08.08.2022 in Spl.S.C.No.30 of 2023 (Crime No.49 of 2022) on the file of the Special Court for Communal Violence, Perambalur and to quash the same.

For Petitioner : Mr.G.Ilamurugu

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



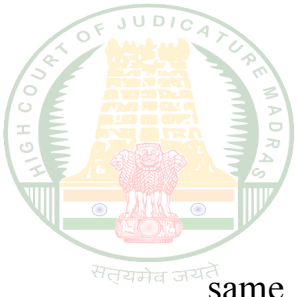
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ORDER

This Criminal Original Petition has been filed by the petitioner/accused to quash the charge sheet dated 08.08.2022 in Spl.S.C.No.30 of 2023 on the file of the Special Court for Communal Violence, Perambalur, in Crime No.49 of 2022 on the file of the first respondent police.

2. The case of the petitioner is that based on the complaint given by the second respondent and direction of the Court, the first respondent police registered a case against the petitioner and 20 others in Crime No.49 of 2022 for the offence under Sections 34, 109, 147, 148, 323, 465, 468, 469, 471, 489 and 506(2) IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Sections 3(1)(iv), 3(1)(v), 3(1)(x), 3(1)(xi) of SC/ST (Prevention of Atrocities) Act, alleging that due to property dispute, the petitioner and other accused abused the defacto complainant and his relatives with unparliamentary words by using his caste name and also gave life threat to them. Thereafter, on completion of investigation, filed the charge sheet and the



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same was taken on file in Spl.S.C.No.30 of 2023 on the file of the Special Court for Communal Violence, Perambalur. Pending trial, the petitioner has filed the present petition to quash the charge sheet.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. Even otherwise, the dispute is civil in nature. Already a civil suit has been filed by the petitioner and in order to take vengeance and to give a criminal colour to civil dispute, a false case has been foisted against the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that after framing of charges, the trial has commenced. The statement of the defacto complainant and other witnesses recorded by the Investigating Officer clearly revealed the commission of offence. Therefore, it is not a fit case to quash the charge sheet. Therefore, this petition is liable to be dismissed.

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



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

7. A reading of the complaint, FIR and the statements recorded from the witnesses shows that there are specific allegations against the petitioner to proceed the case further. The grounds taken by the petitioner are nothing but defense which can be agitated before the trial Court during trial. This Court does not find any grounds to quash the charge sheet.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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

09.06.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Special Court for Communal Violence,
Perambalur
2. The Inspector of Police
Kunnam Police Station
Perambalur -District
Crime No.49 of 2022
- 3.The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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