



Crl.O.P.No.17652 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17652 of 2025 and
Crl.M.P.No.11378 of 2025

R.Vijay

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police
T10 Thirumullaivoyal Police Station
Avadi City
(Crime No.387 of 2023)

2. Martin

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.593 of 2024 on the file of the learned Judicial Magistrate at Ambattur and quash the same.

For Petitioner	: Mr.A.Vijayakannan
For 1 st Respondent	: Dr.C.E.Pratap Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/accused to quash the case in C.C.No.593 of 2024 on the file of the learned Judicial Magistrate at Ambattur.

2. The learned counsel for the petitioner submitted that based on



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the complaint given by the second respondent alleging that the defacto complainant is an Advocate and his wife is running a general store at Chozhapuram Road, Ambattur. The defacto complainant is residing in a house taken for lease for Rs.18 lakhs. While so, the relatives of the owner of the house, used to threaten the defacto complainant to vacate the house, however, they refused to return the amount of Rs.18 lakhs paid by the defacto complainant, due to which, there was some quarrel between them. On 17.08.2023 around 9.00 p.m., one Santhosh and Vijayalakshmi were standing in front of the defacto complainant's shop with 3 unknown persons, but can be identified and their age would be around 40 to 45 years. Those three unknown persons came inside the shop, broken and damaged the entire shop with iron rod and knife and abused his wife with filthy language. Further, they attacked the defato complainant with iron rod and also threatened with dire consequences to vacate the house. Based on the complaint, the respondent police registered the FIR in Crime No. 387 of 2023 against the said Vijayalakshmi, Santhosh and three identifiable persons. While being so, the respondent police filed a final report against the petitioner and one Ramesh who are aged 29 and 24 years respectively. Therefore, the present petition is filed to quash the C.C. against the petitioner.



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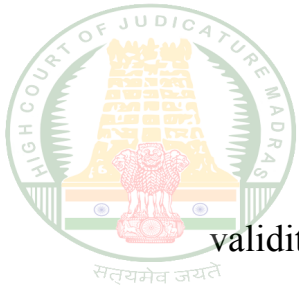
3. The contention of the petitioner is that the names in which the actual FIR was registered viz., Vijayalakshmi and Santhosh have been included in the list of witnesses as P.W.11 and P.W.12 and the petitioner who is no way connected with the offence, has been shown as A1. He would submit that there is no prima facie material as against the petitioner to proceed the case further. Therefore, the C.C. has to be quashed.

4. The learned Government Advocate (Crl.Side) submitted that prima facie there are materials as against the petitioner and the witnesses have also clearly spoken about the involvement of the petitioner. Further, the witnesses have stated that by mistake, they have stated the names of Vijayalakshmi and Santhosh.

5. Heard both sides and perused the materials available on record.

6. A reading of the complaint, charge sheet and also the statements of the witnesses recorded by the police under Section 161(3) Cr.P.C. shows that there are prima facie allegations as against the petitioner and there are prima facie materials to proceed the case further as against the petitioner.

7. The grounds taken by the petitioners are nothing but defence which can be agitated before the trial Court during trial and that the



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validity and veracity of the statements of the witnesses and materials

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cannot be testified by this Court by invoking Section 528 B.N.S.S.

8. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petition is closed.

9. However, the petitioner is at liberty to work out his remedy in the manner known to law.

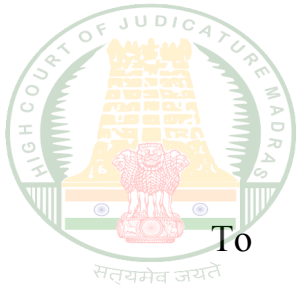
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

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1. The Judicial Magistrate
Ambattur.
2. The Inspector of Police
T10 Thirumullaivoyal Police Station
Avadi City
3. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN, J

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