



WEB COPY

CRL OP No. 19307 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP No. 19307 of 2025

and

CRL MP No.13255 of 2025

1. HARIKRISHNAN

S/o.Palani, No.3/431, Road street,
Mel villvarayanallur, Vilvarani, Polur,
Tiruvannamalai - 609 906.

Petitioner(s)

Vs

1. The State Rep. by
The Inspector of Police,
Kalasapakkam police station.

2.Ramesh
S/o.Govindhasamy,
Bhraminar street,
Elaththu village and post,
Kalasapakkam,
Tiruvannamalai.

Respondent(s)



PRAYER

This Criminal Original Petition is filed under Section 528 of the BNSS, to call for the records relating to the charge sheet in P.R.C.No.3 of 2023 on the file of District Munsif cum Judicial Magistrate Court, Kalasapakkam, Tiruvannamalai and quash the same by allowing this criminal original petition.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
For R1

ORDER

This Criminal Original Petition has been filed to call for the records relating to the charge sheet in P.R.C.No.3 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Kalasapakkam, Tiruvannamalai and quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.



WEB COPY

3. Learned counsel for the petitioner submitted that the second respondent and his henchmen are the accused in Crime No.71 of 2020 which was filed on 23.02.2020 and after completion of investigation, the same was taken on file in Spl.S.C.No.35 of 2020 on the file of the Special Court for trial of SC/ST Cases, Tiruvannamalai. As a counter blast, the second respondent lodged a complaint as against the petitioner and others before the first respondent-Police in Crime No.72 of 2020 which was filed on 28.02.2020. In order to threaten the witnesses, as against the second respondent, a false case has been lodged after five days from the date of alleged occurrence. The petitioner is no way connected with the allegations as alleged in the F.I.R. The second respondent is an influential person and had conspiracy with the first respondent-Police and lodged a false complaint.

4. He further submitted that though the said cases are case and case in counter, the respondent Police without following the directions /guidelines of the Hon'ble Supreme Court and also Full Bench of this Court, conducted investigation separately and filed the charge sheet separately. The first case in Crime No.71 of 2020 was taken on file in Spl.S.C.No.35 of 2020 on the file of



the Special Court for SC/ST Cases, Tiruvannamalai and after full fledged trial,

the case ended in acquittal. The counter case in Crime No.72 of 2020 was

taken on file in PRC No.3 of 2023 on the file of the District Munsif cum

Magistrate Court, Kalasapakkam, Tiruvannamalai and the same is pending.

Hence, the petitioner prayed for quashing the said PRC.

5. Admittedly, both the Crime Nos.71 and 72 of 2020 are case and case in counter. According to the petitioner, the respondent-Police without following the guidelines of the Hon'ble Supreme Court, conducted investigation separately and filed the charge sheet separately, whereas the petitioner has not challenged the same. At the earlier stage, he has participated in the trial in the case in Crime No.71 of 2020 in Special S.C.No.35 of 2020. He was waiting for the dismissal of the case on merits and after disposal of the Spl.S.C.No.35 of 2020, the petitioner has filed this criminal original petition to quash the case in PRC No.3 of 2023 on the file of the District Munsif cum Judicial Magistrate Court, Kalasapakkam. The petitioner has not approached this Court at the first instance. He participated in the trial in the earlier case and now he cannot question the non-compliance of the directions/guidelines given by the Apex



Court and also the High Court by the first respondent-Police.

WEB COPY

6. For the above reasons, this Court is not inclined to quash the PRC.

However, the petitioner is at liberty to take all his defences after committal of the case before the Court of Sessions during trial. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

14-07-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif cum Judicial
Magistrate Court,
Kalasapakkam, Tiruvannamalai

2. The Inspector of Police,
Kalasapakkam police station.

3. The Public Prosecutor
High Court, Chennai.



WEB COPY

CRL OP No. 19307 of 2025



P.VELMURUGAN J.

mfa

**CRL OP No. 19307 of 2025
and
CRL MP No.13255 of 2025**

14-07-2025