



CrI.O.P.No.19719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.07.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.19719 of 2025 and
CrI.M.P.Nos.13581 and 13582 of 2025

1. D.Krishnamurthy
2. S.Magesh
3. M.Prabhu
4. S.Parimalarajan
5. Devaraj

... Petitioners

Vs.

1. State Rep. by
Inspector of Police
T-18 Thazhambur Police Station
Pallikaranai, Chennai

2. Saravanan

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in C.C.No.60 of 2025 pending on the file of the District Munsif cum Judicial Magistrate Court at Thiruporur and to quash the charges levelled against the petitioners/accused 1 to 5.



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For Petitioners : Mr.V.Ramamurthy
For First Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioners/accused to quash the charges levelled against them in C.C.No.60 of 2025 pending on the file of the District Munsif cum Judicial Magistrate Court at Thiruporur.

2. The case of the petitioners is that based on a false complaint lodged by the second respondent alleging that the petitioners abused and attacked the defacto complainant and also misbehaved with his mentally disordered daughter, the respondent police registered a case against the petitioners in Crime No.243 of 2023 initially for the offences under Sections 147, 294(b), 323, 324, 354, 506(2) IPC, 4 of TNPHW Act. Subsequently, altered the offences into Sections 147, 294(b), 323, 324, 506(2) IPC, 4 of TNPHW Act and filed the charge sheet, which has been taken on file in C.C.No.60 of 2025 on the file of the District Munsif cum Judicial Magistrate Court at Thiruporur.

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Hence the present petition is filed to quash the case against the petitioners in

C.C.No.60 of 2025.

3. The learned counsel for the petitioners submitted that a false case has been foisted against the petitioners at the behest of first petitioner's brother D.Umamaheswaran in view of the existing civil dispute pending between them and that, no such incident had taken place. Further, the allegations stated in the original complaint is totally different from the alteration report. Even the allegations mentioned in the statement recorded under Section 161 Cr.P.C. is as same as mentioned in the original complaint. Further, all the witnesses are interested witnesses and there is no prima facie materials to proceed the case further against the petitioners. Therefore, the charge sheet is liable to be quashed.

4. The learned Government Advocate (CrI. Side) appearing for the first respondent submitted that the complaint, charge sheet and the statements of the witnesses reveal prima facie allegations against the petitioners and the grounds



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taken by the petitioners are nothing but defence which are matter for trial.

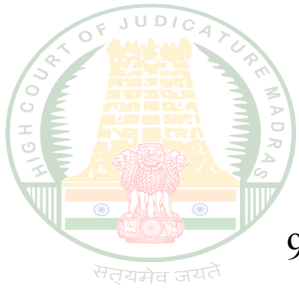
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5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the first respondent and perused the materials available on record.

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

7. Admittedly, the FIR in Crime No.243 of 2023 was initially registered for the offences under Sections 147, 294(b), 323, 324, 354, 506(2) IPC, 4 of TNPHW Act and subsequently, the respondent police investigated the matter and altered the offences into Sections 147, 294(b), 323, 324, 506(2) IPC, 4 of TNPHW Act and after completion of investigation filed the charge sheet.

8. A reading of the materials shows prima facie allegations and specific overt-act against the petitioners. The grounds taken by the petitioners are nothing but defence which can be agitated only during trial and not at this stage.



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9. Therefore, this Criminal Original Petition is dismissed at the

admission stage itself. Consequently, the connected Miscellaneous Petitions are closed.

10. However, the petitioners are at liberty to take all their defence before the trial Court during trial.

15.07.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The District Munsif cum Judicial Magistrate
Thiruporur

2. Inspector of Police
T-18 Thazhambur Police Station
Pallikaranai, Chennai

3. The Public Prosecutor
High Court of Madras, Chennai.



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P.VELMURUGAN,J.

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