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Crl.O.P.No.21004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.21004 of 2025 and
Crl.M.P.No.14213 and 14476 of 2025

1. Mohan
2. Santhiya
3. Saranya
4. Manickam
5. Nithya

...Petitioners

Vs.

1. The State represented by
The Inspector of Police,
Kavandapadi Police Station,
Erode District.

2. Krishnan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS to call for the records and quash the charge sheet in C.C.No.74 of 2025 on the file of the Judicial Magistrate No.II, Gobichettipalayam and quash the same.

For Petitioners : Mrs.Amala Ananthi

For Respondents : Dr.C.E.Pratap,

Govt. Advocate (Crl.Side) for R1



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ORDER

This petition has been filed seeking to quash the case in C.C.No.74 of 2025 pending before the learned the Judicial Magistrate No.II, Gobichettipalayam.

2 According to learned counsel for the petitioners there was love affair between the second petitioner herein and one Prabhu and in connection with the same there was dispute between the two families. The second petitioner made complaint, which was pending in C.C.No.48 of 2023 and as a counter blast the present complaint has been filed against the petitioners, which is liable to be quashed.

3 Learned Government Advocate (Crl.Side) would submit that based on the complaint given by the defacto complainant, a case has been registered against the petitioners and the statement of L.W.1 defacto complainant would clearly reveal the offence committed by the petitioners and hence the present petition is liable to be dismissed.



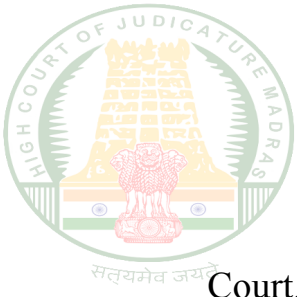
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4 Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

5 It is seen that the present case in Cr.No.358 of 2022 has been registered against the petitioners for the offence under Sections 147, 294(b), 323, 324, 506(i), 148 and 447 IPC. After investigation, the first respondent police laid charge sheet, which was taken on file in C.C.No.74 of 2025. Pending trial, all the accused have approached this Court seeking to quash the said case invoking Section 528 BNSS.

6 A careful reading of the complaint, FIR and statement of witnesses clearly reveal *prima facie* allegations against the petitioners to proceed further. The witnesses have categorically deposed about the overt act against the petitioners. All the grounds taken by the petitioners are nothing but defence, which can be agitated and proved before the trial



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Court. This Court is not satisfied with the grounds taken by the petitioners, which, in fact, would not suffice to quash the case against the petitioners invoking Section 528 BNSS.

7 Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed. However, the petitioners are at liberty to take all their defence before the trial Court.

28.07.2025

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Speaking /Non-speaking order

To

1. The Judicial Magistrate No.II, Gobichettipalayam.
2. The Inspector of Police, Kavandapadi Police Station, Erode District.
3. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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