



WEB COPY

CRL OP No. 23654 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23654 of 2025

1. A.Kumariah

S/o.Arumugam 1 /120, 1st floor,
Eswaran Koil Street, Madipakkam,
Chennai-600 091.

Petitioner(s)

Vs

1. The State represented by
Deputy Superintendent of Police,
District Crime Branch, Villupuram,
District, Villupuram.

Respondent(s)

PRAYER : Petition filed under Section 528 of BNSS, to direct the learned Judicial magistrate-I, Villupuram, to proceed with the trial in C.C.No.92 of 2023 on his file only after the disposal of the Perjury Criminal Appeal pending before the principal District and Sessions Court, Villupuram in Crl. A.No.30 of 2025 in Crl. Mp.No.7253 of 2023 in C.C.No.92 of 2023.

For Petitioner(s): M/s.L.Infant Dinesh
 A.John
 K.Ragavan



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S.Mohan Kumar
A.Arun Prasanth
N.Sanagar

For Respondent: Mr.R.Vinoth Raja,
Govt. Advocate (Crl.Side)

ORDER

This Petition has been filed to direct the Learned Judicial magistrate-I, Villupuram, to proceed with the trial in C.C.No.92 of 2023 on his file only after the disposal of the Perjury Criminal Appeal pending before the principal District adn Sessions Court, Villupuram in Crl. A.No.30 of 2025 in Crl. Mp.No.7253 of 2023 in C.C.No.92 of 2023.

2. The crux of the allegations raised by the petitioner is that he has been falsely implicated in the alleged charge under Section 420 of IPC in respect of job racketing. According to the petitioner, the Villupuram Court has no jurisdiction at all. In the original FIR filed, the name of Villupuram is not found. However, Villupuram has been inserted in the FIR later and the statement of witness also was recorded later by including the name of Villupuram. Therefore, according to the petitioner, it is a clear case of forgery and in this regard, he had already initiated a case of forgery. Unless this case is disposed, the CC pending against him shall not be disposed.



3. At the outset, this Court is of the view that seeking such a direction amounts to a clear abuse of the process of law. If there is any interpolation or alteration of the FIR, the same can be taken advantage of by the petitioner and he can elicit the same during trial. Merely because the statement has been recorded with delay from the witness, perjury cannot be presumed as stated by the petitioner. It is all a matter of evidence and it is entirely within the realm of the Trial Court to appreciate the evidence of the witness. In such view of the matter, the relief sought by the petitioner cannot be granted.

4. Accordingly, this Criminal Original Petition is dismissed.

26-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

gsk

To

1. The State represented by
Deputy Superintendent of Police,
District Crime Branch, Villupuram
District, Villupuram.

2. The Public Prosecutor,
High Court of Madras.



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N.SATHISH KUMAR J.
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