



Crl.O.P.No.27503 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.27503 of 2024 and
Crl.M.P.Nos.15234 and 15235 of 2024

P.Suresh

... Petitioner

Vs.

1. State rep. by
The Inspector of Police
Chitlapakkam Police Station
Chennai

2. R.Kamalakkannan

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.146 of 2024 pending on the file of the Judicial Magistrate Court-II, Tambaram, Chennai for the alleged offences under Sections 342, 294(b), 323, 363, 506(1) and 34 of IPC and quash the same.



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For Petitioners	: M/s.S.Eraskine Leo
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Mr.Periyaswamy

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the C.C.No.146 of 2024 pending on the file of the Judicial Magistrate Court-II, Tambaram, Chennai for the alleged offences under Sections 342, 294(b), 323, 363, 506(1) and 34 of IPC.

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

3. According to the learned counsel for the petitioner, a false case has been foisted against the petitioner.

4. According to the learned counsel for the second respondent/defacto complainant, based on the complaint given by the second respondent, the FIR in Crime No.327 of 2021 was registered on 27.10.2021 against three persons for the offences under Sections 147, 342, 294(b), 323, 363, 506(1) IPC and



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after investigation only, the first respondent police filed the charge sheet for the offence under Sections 342, 294(b), 323, 363, 506(1) and 34 of IPC against the accused persons in which, the petitioner has been arrayed as A3 and that there are five eyewitnesses in this case.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that summons served on L.W.1 to L.W.13 and the case is at the witness stage.

6. A perusal of the FIR, charge sheet and the statements recorded from the defacto complainant and also the eyewitness under Section 161(3) Cr.P.C., shows prima facie allegations and there are sufficient materials to proceed the case as against the petitioner/A3. Further, there is no ground to quash the C.C. against the petitioner. The grounds taken by the petitioner can be decided only after trial therefore, there is no merit in this petition.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.



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8. However, the petitioner is at liberty to take all his defence during trial.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Judicial Magistrate Court-II,
Tambaram, Chennai
2. The Inspector of Police
Chitlapakkam Police Station
Chennai
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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