



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.rl.R.C.No.2046 of 2025 and

Crl.M.P.Nos.19263 and 19264 of 2025

1. Parthasarathy
2. Selvaraj

... Petitioners

Vs.

1. The State Represented by the
Inspector of Police,
B.6 Kodungaiyur Police Station,
Chennai – 600 118.

2. Balaji
S/o Babu

3. Babu ... Respondents

PRAYER: This petition is filed under Section 397 and 401 of Criminal Procedure code to call for the records relating to the order dated 26.11.2024 made in Crl.M.P.No.40417 of 2024 in CC.No.6912 of 2023 on the file of X Metropolitan Magistrate's Court and to set aside the same and allow the above said criminal Revision Petition

For Appellant : Mr.J. Prakasam
For Respondent : Dr.C.E. Pratap,
Government Advocate



WEB COPY

ORDER

The Petition is filed to call for the records relating to the order dated 26.11.2024 made in CrI.M.P.No.40417 of 2024 in CC.No.6912 of 2024 on the file of X Metropolitan Magistrate's Court and to set aside the same and allow the above said criminal Revision Petition.

2. The facts of the case is that one Jagan has filed a complaint before the Kodungaiyur Police Station in Crime No. 60 of 2023. After the investigation the first respondent filed a charge sheet and the case was taken on file in CC.No.6912 of 2023 before the X Metropolitan Magistrate's Court. The sum and substance of the case is that the petitioners herein was implicated as accused Nos.3 and 4 as they are necessary parties to the case. Challenging the same the present petition came to be filed.

3. The learned counsel for the petitioner submitted that the orders passed by the learned Magistrate in adding the petitioners as accused is not sustainable either in law or on facts, as it lacks cogent, reliable and corroborated evidence meeting the high threshold under section 319 of



WEB COPY

Cr.P.C., which requires evidence sufficient to sustain a conviction, if not rebutted. Hence, prays to allow this petition.

4. Per contra the learned Government Advocate appearing for the respondent submitted that the order passed by the learned Judge in impleading the petitioners herein as party to the proceedings is perfectly valid in the eye of law and the same does not require interference by this Court and prays to dismiss this petition.

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

6. On a perusal of records, it is seen that the petitioners were only present at the scene of occurrence. Apart from that they have nothing to do with the alleged occurrence. It is also pertinent to note that the act of the petitioners' was very limited and they have interfered in the case only to solve the issue amicably. Further more the prosecution has no materials to show that the petitioners involved in the alleged offence. Hence, there is no prima facie materials made out against the petitioners.

7. In view of the above facts, the impugned order passed by the



WEB COPY

Court below in CrI.M.P.No.40417 of 2024 in CC.No.6912 of 2023 on the file of X Metropolitan Magistrate's Court needs interference and the same is hereby set aside. Accordingly this Criminal Revision case is allowed. Consequently the connected miscellaneous petitions are closed.

17.10.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

smn

To

1. The Inspector of Police,
B.6 Kodungaiyur Police Station,
Chennai – 600 118.

2. The X Metropolitan Magistrate's Court s.

T.V.THAMILSELVI, J.



WEB COPY



smn

C.rl.R.C.No.2046 of 2025 and
Crl.M.P.Nos.19263 and 19264 of 2025

17.10.2025