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Crl.O.P.No.1396 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.1396 of 2025 and
Crl.M.P.Nos.846 & 847 of 2025

1. N.Nandakumar
2. Shanmugavalli

... Petitioners

Vs

1. The State Represented by
The Sub Inspector of Police,
W-33, All Women Police Station,
Virugambakkam,
Maduravoyal, Chennai - 600 095.
(Crime No.782/2022)

2. S.Kalpana

... Respondents

PRAYER:Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita Act, to call for the records pertaining to the charge Sheet in C.C.No.1273/2024 on the file of the learned Metropolitan Magistrate No.XXIII, Saidapet and quash the same in respect of the petitioner.

For Petitioners : Mr.R.Surya Prakash

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the charge Sheet in C.C.No.1273/2024 on the file of the learned Metropolitan Magistrate No.XXIII, Saidapet and quash the same in respect of the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondent and perused the materials available on record.

3. The learned counsel for the petitioners submitted that the first petitioner/A1 and the second respondent/de-facto complainant are college-mates and they loved each other. Due to dispute between their family members, second respondent foisted a false case against the petitioners. Based on the complaint given by the second respondent, the first respondent-Police registered a false case against the petitioners in Crime No.782 of 2022, for the offence under Sections 294(b), 417 & 506(i) IPC.



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4. On a reading of statements recorded under Section 161 Cr.P.C., of the second respondent/de-facto complainant and also the house owner of the second respondent/de-facto complainant, it is seen that there are prima facie materials available against the petitioners herein to proceed the case further. The grounds taken by the petitioners are matter of defence, which can be decided only during trial not at this stage. This court does not find any merit in this criminal original petition.

5. In view of the same, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the petitioners are at liberty to take all their defence before the trial court.

22.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Metropolitan Magistrate No.XXIII, Saidapet
2. The Sub Inspector of Police,
W-33, All Women Police Station,
Virugambakkam,
Maduravoyal, Chennai - 600 095.
2. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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22.01.2025