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CRL OP NO. 31405 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-01-2025**

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL OP NO. 31405 of 2024

Suriya

Petitioner

Vs

The State Rep. by
the Inspector of Police,
'Q' Branch CID,
Perambalur.
(Cr.No.2/2021)

Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside the order, dated 20.09.2024 passed in Crl.Rev.No.5 of 2024 by the Principal District and Sessions Judge, confirming that the order passed in Crl.M.P.No.7839 of 2023 in C.C.No.190 of 2023 on the file of the Judicial Magistrate II, Perambalur.

For Petitioner:

Mr.D.Ashok kumar

For Respondent:

Mr.S.Sugendran,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 20.09.2024 passed in Crl.Rev.No.5 of 2024 by the Principal District and Sessions Judge, confirming that the order passed in Crl.M.P.No.7839 of 2023 in C.C.No.190 of 2023 on the file of the Judicial Magistrate II Court, Perambalur.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner was working only as a writer in Perambalur Police Station, and no passport verification duty was allotted to her at the relevant point of time. There is no material/evidence is available to show that the petitioner has committed the alleged offence. Both the courts below failed to consider the same and dismissed the petition filed by the petitioner.



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4. The petitioner herein is the third accused in C.C.No.190 of 2023 on the file of the Judicial Magistrate No.II, Perambalur. Pending CC, the petitioner has filed CrI.M.P.No.7839 of 2023, seeking to discharge her from the case. The learned Magistrate vide order dated 24.04.2024 dismissed the petition. Challenging the same, the petitioner has filed CrI.Rev.No.5 of 2024 before the learned Principal District and Sessions Court, Perambalur and the same was also dismissed on 20.09.2024. Aggrieved over the impugned order, the petitioner has filed this criminal original petition.

5. It is well settled proposition of law that an F.I.R is not an encyclopaedia and it sets the law in motion. On a perusal of the records, it is seen that there are prima facie materials available as against the petitioner. The grounds taken by the petitioner are matter of defence, which can be decided only during trial. This Court does not find any perversity in the findings of the Sessions Court in the revision case and there is no merit in the criminal original petition.



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6. In view of the above, this Criminal Original Petition is dismissed. However, the petitioner is at liberty to take all her defence before trial court.

07.01.2025

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Principal District and Sessions Court, Perambalur
2. The Judicial Magistrate No.II, Perambalur.
3. The Inspector of Police,
'Q' Branch CID,
Perambalur.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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