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Crl.O.P.(MD)No.22001 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.(MD)No.22001 of 2024

and

Crl.M.P.(MD) Nos.13644 & 13645 of 2024

1. Navash Kani @ Navas Kani

2. Sahul Hameed

3. Jabarulla

4. Abbash

5. Abdul Hameed

6. Muhaideen Abdul Kathar

7. Muhameed Harif

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.

2. Ramesh Kumar

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of charge sheet in S.T.C.No.2869 of 2022 on the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the same as against the petitioners.

For Petitioners : Mr.S.Nihar Ali

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

For R2 : Not ready in notice

ORDER

This Criminal Original Petition has been filed to call for the records of the charge sheet in S.T.C.No.2869 of 2022 on the file of the learned Judicial Magistrate No.I, Ramanathapuram and quash the same as against the petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (CrI.Side) appearing for the first respondent-Police and perused the materials available on record.

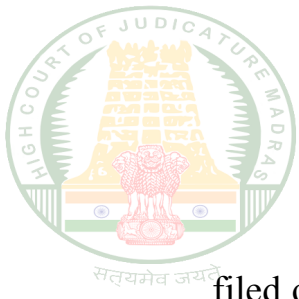


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3. Learned counsel for the petitioners submitted that based on the complaint of the defacto complainant/second respondent herein, the first respondent-Police has registered a case in Crime No.49 of 2019 for the offences under Sections 143& 188 of IPC. The respondent-Police filed the charge sheet and the same was taken on file in S.T.C.No.2869 of 2022 on the file of the Judicial Magistrate No.I, Ramanathapuram. He further submitted that the petitioners were innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioner's name were not found in the complaint and they have never made any public disturbance.

4. Learned Government Advocate (CrI.Side) appearing for the first respondent-Police submitted that during Covid period, the Hon'ble Supreme Court has given exemption for the period of limitation in filing any suit/application/proceedings. After unveiling of pandemic situation, the complaint has been filed within the period. Though the complaint has been filed before the Court in time, due to pandemic situation, exact date was not mentioned. However, as per records, charge sheet has been



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filed on 17.11.2022. Though the petitioners' name were not found in the complaint, investigation reveals that the petitioners were involved in the offence and hence their names were included in the charge sheet.

5. On a reading of the complaint, statement recorded under Section 161 Cr.P.C., from the witnesses, it is found that there are prima facie materials available as against the petitioners. The defence taken by the petitioners can be decided only during trial. This is not a fit case for quashing of charge sheet.

6. 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.

27.01.2025

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

1. The Judicial Magistrate No.I, Ramanathapuram
2. The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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CrI.M.P.(MD) Nos.13644 & 13645 of 2024

27.01.2025