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Crl.O.P.No.34216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.34216 of 2025

and

Crl.M.P.Nos.23954 and 23956 of 2025

Yogeswaran

... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2. Kamalakannan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records relating to in C.C.No.440 of 2023 on the file of Judicial Magistrate Court No.1 at Thiruvannamalai, Thiruvannamalai District and quash the same.

For Petitioner : Mr.N.Edwin Jeyakumar

For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.440 of 2023 on the file of the Judicial Magistrate Court No.I, Thiruvannamalai District, pending for the offences under Sections 406, 465, 468, 506(I), 120(B) and 420 of IPC, 1860.

2. The case of the prosecution is that the accused conspired and colluded with one another and induced the de facto complainant and several other victims on promise of securing Government jobs and cheated them to the tune of Rs.1,53,80,000/- by issuing fabricated appointment orders.

3. The learned counsel for the petitioner submits that the petitioner is an aged person and that his name does not find place in the FIR. He further submits that he has been falsely implicated in this case.

4. Per contra, learned Additional Public Prosecutor appearing for the first respondent submits that the petitioner is also one of the accused and that he, along with other accused, induced several victims and received an amount of Rs.1,53,80,000/-, thereby cheated the victims. He further submits that the witnesses have specifically spoken about the overt acts of the



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petitioner, including his role in receiving the said amount and cheating the witnesses.

5. At this juncture, the learned counsel for the petitioner sought the indulgence of this Court to dispense with the personal appearance of the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.

7. At the outset, it is pertinent to point out that this Court, under Section 528 of the BNSS, cannot go into a detailed examination of the evidence or decide disputed questions of fact. When the materials on record disclose *prima facie* involvement of the accused and specific overt acts are attributed to him, the proceedings cannot be interfered with and the matter has to be decided during trial. However, the personal appearance of the petitioner in C.C.No.440 of 2023 on the file of Judicial Magistrate Court No.1, Thiruvannamalai District is dispensed with, except for receipt of copies, answering of charges, questioning under Section 313 Cr.P.C., passing of judgment, or any other date as may be specifically required by the trial Court. The petitioner shall be duly represented by his counsel



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before the trial Court on all hearing dates. As far as the stay petition in

CrI.M.P.No.23954 of 2025 is concerned, the same stands closed.

CrI.M.P.No.23956 of 2025, which is filed for dispensing with personal appearance is ordered in the above terms.

8. Accordingly, this criminal original petition stands dismissed.

16.12.2025

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Neutral Citation: Yes/No



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To

1. The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.
2. The Judicial Magistrate Court No.1 at Thiruvannamalai,
Thiruvannamalai
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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