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CrI.O.P.No.33102 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM:

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

CrI.O.P.No.33102 of 2025 and
CrI.M.P.No.23118 of 2025

Marimuthu

... Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Inspector of Police,
T-15, SRMC Police Station
Avadi District
Crime No.55 of 2025

2. Abirimi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, to call for the records pertaining to C.C.No.174
of 2025 on the file of the learned Judicial Magistrate No.I, Poonamallee and
quash the same.

For Petitioner : Mr.Starlin Gnanadas

For R1 : Mr.K.M.D.Muhilan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the
records pertaining to C.C.No.174 of 2025 on the file of the learned Judicial
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Magistrate No.I, Poonamallee and to quash the same.

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2. The learned counsel for the petitioner submitted that the petitioner was not aware of the order sought to be executed pursuant to the ex parte order and therefore, the offence as against the petitioner cannot be made out.

3. The learned Additional Public Prosecutor submitted that this is a case where the Bailiff / de facto complainant had gone to execute the Court order, during which the accused threatened to commit suicide and thereby alleged offence has made out. He further submitted that the question of whether the order passed was ex parte and whether the petitioner was aware of the order are matters to be adjudicated during the course of evidence, and hence this calendar case cannot be quashed.

4. In view of the above, this Court is of the opinion that the grounds raised by the learned counsel for the petitioner are matters for trial and this Court cannot interdict at this stage. However, considering his submissions, the personal appearance of the petitioner before the trial Court is dispensed with except for receipt of copies, answering the charges, questioning under section 313 Cr.P.C./Section 351 of BNSS, on the date of



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pronouncing judgment and also on any other dates as may be required by the trial Court. It is made clear that the petitioner shall be duly represented by his counsel on all hearing dates.

5. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

05.12.2025

Neutral Citation: Yes/No
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A.D.JAGADISH CHANDIRA, J.

shl

To

1. The Judicial Magistrate No.I,
Poonamallee
2. The Inspector of Police,
T-15, SRMC Police Station
Avadi District
3. The Public Prosecutor
High Court of Madras

Crl.O.P.No.33102 of 2025 and
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05.12.2025