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CrI.O.P.No.33376 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.33376 of 2025

and

CrI.M.P.No.23299 of 2025

Sunil @ Sunilkumar

... Petitioner

Vs.

1. The State rep. by

The Inspector of Police

Sholavaram Police Station

Redhills, Chennai – 600 067

2. Nivetha

... Respondents

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S.

to call for the records relating to the FIR in Crime No.651 of 2025, on the

file of the Inspector of Police, Sholavaram Police Station, Thiruvallur

District and quash the same as against the petitioner.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.S.Santhosh

Government Advocate (CrI. Side) for R1



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.651 of 2025 dated 04.10.2025, for the offences under Sections 329(4), 296(b), 115(2), 118(1) and 351 (3) of BNS, pending on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that due to previous enmity, the de facto complainant/2nd respondent has given a motivated complaint against the petitioner and 2 others. He would further submit that the de facto complainant had claimed that the occurrence had taken place at 10.00 a.m. on 04.10.2025 at her residence, whereas the fact remains that on the said date, the petitioner was attending his office namely Wilson Power Solution where he is employed. The petitioner has marked his bio-metric attendance which would clearly show that it is a false and motivated complaint.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that the plea of *alibi* cannot be raised in this petition filed under Section 528 of BNSS/482 Cr.P.C. However, due

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enquiry would be conducted with regard to the petitioner's presence at his office and the final report will be filed in accordance with the result of the investigation.

4. As rightly submitted by the learned Government Advocate (Crl. Side), the plea of *alibi* cannot be raised in this petition which has been filed under Section 528 of BNSS/482 of Cr.P.C. However, the first respondent police is directed to conduct a fair investigation with regard to the presence of the petitioner on the date of occurrence and file a final report in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

05.12.2025

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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To

1. The Inspector of Police
Sholavaram Police Station
Redhills, Chennai – 600 067
2. The Public Prosecutor
High Court of Madras, Chennai



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A.D.JAGADISH CHANDIRA J.

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