



Crl.O.P.(MD)No.2267 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2267 of 2025

and

Crl.M.P(MD) Nos.1595 and 1596 of 2025

Prakash

.. Petitioner

Vs.

1. The Inspector of Police
Mallanginar Police Station
Virudhunagar District

2.Maragatham

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the proceedings of the charge sheet in C.C.No.280 of 2024 on the file of the Judicial Magistrate, Kariapatti and quash the same as illegal.

For Petitioner : Mr.A.Nallathambi Raja

For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)



Crl.O.P.(MD)No.2267 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.280 of 2024 on the file of the Judicial Magistrate, Kariapatti

2. According to the petitioner based on the complaint given by the defacto complainant the first respondent registered a case in Crime No. 125 of 2023 for the offences under Sections 279 and 304(A) of IPC. The petitioner has been falsely implicated in this case and no any materials are available as against this petitioner however the first respondent filed charge sheet and therefore the pending charge sheet is liable to be quashed.

3. The learned counsel appearing for the first respondent would submit that based on the complaint given by the second respondent first respondent registered a case in crime No. 125 of 2023 for the offences under Sections 279 and 304(A) of IPC and thereafter after investigation filed final report and as per the final report there are *prima facie* materials available to proceed against the accused to constitute the above mentioned



offences, hence he has to face the trial and thereby the petition is liable to be dismissed.

WEB COPY

4. This Court heard both sides and perused the materials available on record.

5. On perusal of the same, it is seen that there are some *prima facie* materials available to constitute the offence as against the petitioner and veracity of the statement recorded during the investigation and documents collected cannot be tested before this Court and therefore it needs elaborate trial and there is no merits in the petition and it is liable to be dismissed.

6. At this juncture the learned counsel appearing for the petitioner submitted that personal appearance of the petitioner before the trial Court may be dispensed with.

7. Considering the nature of the case and also the facts and circumstances of the case it is appropriate to accept the request of the petitioner. Accordingly the personal appearance of the petitioner before



Crl.O.P.(MD)No.2267 of 2025

the trial Court is dispensed with and the trial Court is at liberty to take appropriate steps for the appearance of the accused as and when required for further proceedings of this case. Consequently connected miscellaneous petitions stand closed.

10.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
aav

To

1. The Inspector of Police
Mallanginar Police Station
Virudhunagar District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.2267 of 2025

P.DHANABAL,J.

aav

Crl.O.P.(MD)No.2267 of 2025

10.02.2025