



Crl.O.P(MD)No.3339 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.3339 of 2025

and

Crl.M.P(MD)Nos.2304 and 2305 of 2025

Mohamed Nasar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by,
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.269 of 2021.

2.Pavulin Mary

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., 2023, to call for the records and quash the same in C.C.No.406 of 2022 on the file of the Judicial Magistrate, Devakottai and pass such further or other orders as this Court.

For Petitioner : Mr.K.Yasar Arafath



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For R-1

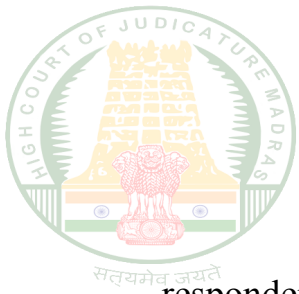
: Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to quash the C.C.No.406 of 2022 on the file of the learned Judicial Magistrate, Devakottai.

2. According to the petitioner, the petitioner is the accused in this case and based on the complaint given by the second respondent, the case has been registered as against the petitioner for the offence under Section 304(A) of the Indian Penal Code, 1860. In fact FIR has been registered as unknown person and thereafter, the respondent police erroneously fixed this petitioner as an accused. The petitioner not at all involved in this case. Therefore, the first respondent without conducting proper investigation wrongly fixed the petitioner as an accused. Hence, the pending proceeding is liable to be quashed.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent would submit that based on the complaint given by the second



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respondent, they registered a case in Crime No.269 of 2021 for the offences under Section 304(A) of IPC and thereafter, they conducted elaborate investigation. After the investigation, it was revealed that the petitioner only involved in the occurrence and there are criminal case as against the petitioner and they already filed final report. After filing a final report, the Trial Court has taken cognizance in C.C.No. 406 of 2022 for the offences under Section 304(A) of IPC. Already P.W.1 to P.W.4 were examined and the petitioner also cross-examined the witnesses. Therefore, at this stage, the petition is liable to be dismissed.

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

5. It is admitted fact that already P.W.1 to P.W.4 were examined and the petitioner also crossexamined the witnesses. At this stage, the petition has been filed. As per the charge sheet, there are materials available to proceed with the case as against the petitioner. Thereby, The Trial Court has taken cognizance as against this petitioner and thereafter, P.W.1 to P.W.4 were examined. Therefore, the petitioner has to face the trial and what are all the grounds raised



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by the petitioner in this petition can be raised as defence before the Trial Court.

Therefore, the petitioner is at liberty to putforth his defence before the Trial Court and the petitioner is not entitled to relief through this petition. However, the learned Counsel appearing for the petitioner requested this Court to dispense with the personal appearance of the petitioner before the Trial Court.

6. Considering the nature of case and also the facts and circumstances of the case, this Court is inclined to accept the petitioner's request and the personal appearance of the petitioner before the Trial Court is dispensed with. It is for the Trial Court to decide whether the personal appearance of the petitioner is required for particular stage. If the personal appearance of the petitioner is required, then the Trial Court can direct the petitioner to appear before the Trial Court on a particular date.

7. With the above said directions, this Criminal Original Petition stands dismissed. The case is pending for examination except I.O, all the witness were examined. Considering the nature of the long pendency of this case, this Court directs the Trial Court to complete the trial proceedings and dispose the case as



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early as possible without giving any long adjournment beyond 15 days.

Consequently, Crl.M.P(MD)No.2304 of 2025 stands closed.

24.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
- 2.The Judicial Magistrate,
Devakottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

BTR

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