



CRL.OP(MD) NO.4892 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.4892 of 2025

and

CRL MP(MD) Nos.3529 & 3530 of 2025

Shriram

... Petitioner/Sole accused

Vs.

1.The State
rep. by the Sub-Inspector of Police
Abiramam Police Station
Ramanathapuram.
Crime No.159 of 2019

2.Kaleeswaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records relating to S.T.C.No.28 of 2023, on the file of the learned Judicial Magistrate, Kamuthi and quash the same.

For petitioner :Mr.P.Muthusamy

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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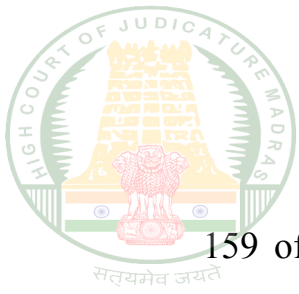
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ORDER

This petition has been filed by the petitioner to call for the records relating to S.T.C.No.28 of 2023, on the file of the learned Judicial Magistrate, Kamuthi and quash the same.

2. The learned counsel for the petitioner would submit that based on the complaint given by the second respondent, the respondent police registered the case in Cr. No.159 of 2019 against the petitioner for the offences under Sections 279, 337 and 338 of IPC. Thereafter, the first respondent police, without conducting proper investigation, filed Final Report and the Trial Court also taken cognizance, without perusing the materials. Even as per the FIR and Final Report, there are no averments to constitute the offences under Sections 279, 337 and 338 of IPC against the petitioner. Therefore, pending proceedings is liable to be quashed.

3. The learned Government Advocate (Crl.Side) for the first respondent police would submit that based on the complaint given by the second respondent, the respondent police registered the case in Cr. No.

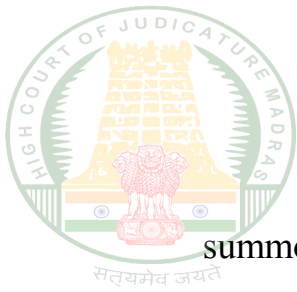


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159 of 2019 against the petitioner for the offences under Sections 279, 337 and 338 of IPC. Thereafter, they conducted elaborate investigation and also filed Final Report. As per the Final Report, there are some materials available to constitute the offence as against the petitioner. Therefore, he prays to dismiss this Criminal Original Petition.

4. Considering the prayer of the petition, this Court, even without issuing notice to the second respondent, inclined to pass orders.

5. This petition is filed to quash the pending proceedings in S.T.C.No.28 of 2023, on the file of the learned Judicial Magistrate, Kamuthi. As per the FIR and Final Report, there are some materials as against the petitioner to proceed with the case further and it is matter for trial and the petitioner may take such defence before the Trial Court. In view of the same, the case cannot be quashed. However, as the case is pending for a long time from the year 2019, the Trial Court is directed to complete the trial as early as possible, without giving any long adjournments, preferably within a period of six months from the date of this order. The personal appearance of the petitioner is also dispensed with before the Trial Court. However, it is for the Trial Court to issue



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summons, if the petitioner's appearance is absolutely necessary for further proceedings.

7. In view of the same, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

17.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Sub-Inspector of Police
Abiramam Police Station
Ramanathapuram.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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