



Crl.O.P(MD)No.5404 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.5404 of 2025

Esakkidurai

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Sankarankovil AWPS.,
Tenkasi District.
Crime No. 19/2021.

2. Vallimayil

3. Xxxx

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records relating to in Spl S.C No. 539/2024 on the file of the Principal District Court and Special Court for POCSO Act cases, Tenkasi, Tenkasi District and to quash the same.

For Petitioner : Mr.T.Veldurai

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



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ORDER

This Criminal Original Petition has been filed to quash the case in Spl.S.C.No. 539 of 2024 on the file of the Principal District Court and Special Court for POCSO Act Cases, Tenkasi, Tenkasi District.

2.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case already all the witnesses were examined. Now the case is posted for examination of accused under Section 351 of BNSS. While so, at this stage the petitioner has filed this petition without merits to quash the case. Hence, prays to dismiss the petition.

3.In this case, since trial has already been completed and posted for examination of accused under Section 351 of BNSS, it is for the trial Court to take appropriate decision based on the evidence of witnesses. At this stage, this Court need not consider the prayer of the petitioner, since there are prima facie materials available as per records. The veracity of statement of witnesses cannot be considered and tested by this Court in this petition.



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4.In view of the above, this Court is not inclined to consider the prayer of the petitioner. Accordingly, this petition is dismissed at the admission stage itself.

25.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM

To

1.The Principal District Judge,
Special Court for POCSO Act Cases, Tenkasi, Tenkasi District

2.The Inspector of Police,
Sankarankovil AWPS.,
Tenkasi District.
Crime No. 19/2021.

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



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P. DHANABAL, J.

PNM

ORDER IN
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