



CrI.O.P.(MD)No.9787 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.9787 of 2025

and

CrI MP(MD)Nos.7197 and 7195 of 2025

- 1.Sutharsan
- 2.Sermakani
- 3.Ganthimathi

... Petitioner

Vs.

- 1.The State of Tamil Nadu rep by
the Deputy Superintendent of Police,
Pavoorchatram Police Station,
Tenkasi District.
[Crime No.263 of 2023]

- 2.Muthukutti

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records of the impugned proceedings in SC.No.319 of 2015 on the file of the Principal District Court, Tenkasi and quash the same as illegal.

For Petitioners	: Mr.V.Kathirvelu Senior Counsel for Mr.K.Prabhu
For R1	: Mr.AS.Abul Kalam Azad Government Advocate (CrI. Side)



Crl.O.P.(MD)No.9787 of 2025

ORDER

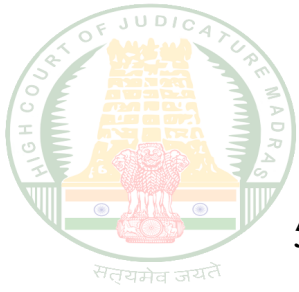
WEB COPY

The petitioners have filed this criminal original petition to quash the proceedings pending in SC.No.319 of 2015 on the file of the Principal District Court, Tenkasi.

2.The learned Senior Counsel appearing for the petitioners submits the offence under Sections 113 (B) of BNS does not arise and the victim girl was an insane person.

3.The petitioners have raised several grounds. This Court is of the opinion that it can be appreciated only during the trial, as it is a matter for trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

4.The learned Senior Counsel at this stage submits that the 2nd and 3rd petitioners have got married and they are living separately in different places. Therefore their personal appearance before the trial Court may be dispensed with.



CrI.O.P.(MD)No.9787 of 2025

5.Considering this submission of the learned Senior Counsel,
the personal appearance of the 2nd and 3rd petitioners is dispensed with
before the trial Court, however, they shall appear as and when required
by the trial Court.

11.06.2025

DSK

To

- 1.The Principal District Court,
Tenkasi.
- 2.The Deputy Superintendent of Police,
Pavoorchatram Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.9787 of 2025

B.PUGALENDHI,J

DSK

Crl.O.P.(MD)No.9787 of 2025

11.06.2025