



Crl.O.P.(MD)No.7887 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.7887 of 2025

and

Crl.M.P(MD) Nos.5915 and 5916 of 2025

Mandhiramoorthy

.. Petitioner

Vs.

1. The Inspector of Police
Pazhavor Police Station
Tirunelveli District

2. Thangadurai

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet in CC No. 152 of 2021 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.G.Aravinthan
for M/s.Aran Legal Consultancy

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in CC No.152 of 2021 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District

2. According to the petitioner based on the complaint given by the second respondent the first respondent registered a case in Crime No. 90 of 2019 for the offences under Sections 294(b), 323,506(ii) and 325 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. 90 of 2019 for the offences under Sections 294(b), 323,506(ii) and 325 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.

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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



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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. However considering the long pendency of the case this Court directs the trial Court to complete the trial proceedings in CC No.152 of 2021 as early as possible without giving long adjournments beyond one week.

29.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate, Valliyoar, Tirunelveli District
2. The Inspector of Police
Pazhavor Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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