



Crl.O.P.(MD) No.8221 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.8221 of 2025

and

CRL.M.P (MD) Nos.6259 and 6262 of 2025

1. Balasubramanian

2. Elangovan

3. Tamilarasu

4. Mariyappan

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
Crime No.125/2019.

2. Akilan

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to call for the records relating to the C.C.No.47 of 2022 on the file of the Principal District Munsif cum Judicial Magistrate Court,



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Thiruppathur and quash the same as illegal as against these petitioners.

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For Petitioner : Mr.R. Senthil Kumar
For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (CrI.Side)

ORDER

The petitioners are accused in Crime No.125 of 2019 and they have filed this petition, seeking to quash the proceedings in charge sheet in C.C.No.47 of 2022 on the file of the Principal District Munsif cum Judicial Magistrate Court, Thiruppathur.

2. The case of the prosecution is that in order to insult the defacto complainant's family, the accused persons posted some social media posting through whatsapp and threatened the defacto complainant and his sisters. Hence the case.

3.The learned Counsel for the petitioners submits that without any materials, the petitioners have been added as accused Nos.3 to 6 in this case. Since there is no mention about the usage of filthy language in the



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complaint, the offence under Section 294(b) of IPC will not attract.

Moreover, as per the complaint, the occurrence was taken place on 05.10.2019, but the FIR has been registered only on 12.10.2019. He further submits that the investigating officer failed to produce the relevant certificate under Section 65(b) of Information Technology Act, which is very much required for proving the case registered under Section 67 of Information Technology Act. Hence, he prayed to quash the impugned proceedings.

4.The learned Government Advocate (Crl.Side) submits that the occurrence has been recorded in CCTV camera and the same has also been recovered by the investigation agency and only thereafter, these petitioners have been added as accused in this case. Therefore, he prayed to dismiss this petition.

5.This Court considered the rival submissions made.

6. Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore,



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without expressing anything on the merits of the case, this Court is inclined to dispose of this petition.

7. Accordingly, this Criminal Original Petition is disposed of with liberty to the petitioners to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

02.06.2025

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LR

To

1. The Principal District Munsif cum
Judicial Magistrate Court,
Thiruppathur.

2. The State of Tamil Nadu,
Rep by the Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.

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

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B.PUGALENDHI, J.

LR

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