



Crl.O.P.(MD)No.10296 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10296 of 2025 and
Crl.MP(MD) Nos.7708 & 7710 of 2025

1.A.Jayaraman
2.A.Jayakumar

... Petitioners

Vs.

State Represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.28 of 2022

...Respondent

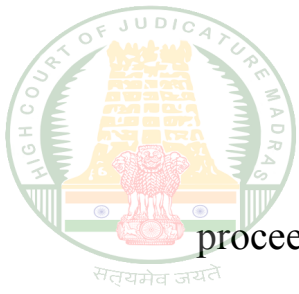
Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for records in CC No.1149 of 2023 on the file of the learned Judicial Magistrate No.IV, Thoothukudi and quash the same insofar as the petitioners are concerned.

For Petitioners
For Respondent

: Mr.A.Balaji
: Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)

ORDER

The petitioners are the accused 1 & 2 in CC No.1149 of 2023, pending on the file of the Judicial Magistrate Court No.IV, Thoothukudi. They have moved this application to quash the above



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proceedings insofar as the petitioners are concerned.

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2.The respondent police has registered a case as against these petitioners and two others for the offence under Sections 120B, 465, 468, 471 and 420 of IPC, on the complaint given by the defacto complainant with regard to the property dispute between the petitioners and their sister. The defacto complainant is the husband of the petitioners' sister. Final report was filed before the Judicial Magistrate Court No.IV, Thoothukudi in CC No.1149 of 2023 and the same is still pending.

3.The learned Counsel for the petitioners submits that the first petitioner and the defacto complainant have contested in a community election, in which, the first petitioner has won. According to the learned counsel, in order to wreak vengeance and with an ulterior motive, the present case came to be registered. He further submits that the wife of the defacto complainant has instituted a civil suit in O.S.No. 213 of 2024 before the I Additional District Judge, Thoothukudi, for the relief of partition, wherein, the petitioners are the defendants. Therefore, the case in CC No.1149 of 2023 is liable to be quashed.



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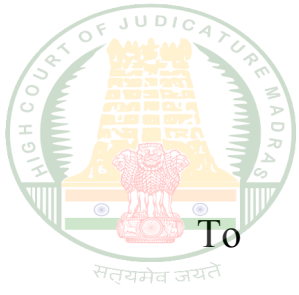
4.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl.side), who takes notice for the respondent strongly objects for quashing the proceedings in CC No.1149 of 2023. and submits that the grounds raised by the petitioners is a matter for trial.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

6.Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Consequently, connected miscellaneous petitions are closed.

19.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



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To

WEB COUNCIL
The Inspector of Police,
District Crime Branch,
Thoothukudi District.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)No.10296 of 2025 and
Crl.MP(MD) Nos.7708 & 7710 of 2025

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