

Crl.O.P.(MD)No.11941 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.11941 of 2025 and
Crl.MP(MD) Nos.9177 and 9178 of 2025

Rabik Raja

... Petitioner

Vs

1.The State of Tamilnadu,
Rep by the Inspector of Police,
Thiruppuvanam Town Police Station,
Sivagangai District.
Crime No.8/2017.

2. Dheepansakaravarthi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in CC No. 778/2019, on the file of the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam and quash the same.

For Petitioner

: Ms.Ponnuthai.C.R

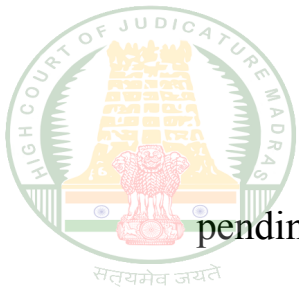
For R1

: Mr.Abul Kalaam Azad

Government Advocate (Crl.side)

ORDER

The petitioner/accused in CC No.778 of 2018, on the file of the learned District Munsif cum Judicial Magistrate Court, Thiruppuvanam has filed this petition to quash the above proceedings



Crl.O.P.(MD)No.11941 of 2025

pending as against him.

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2. When this Criminal Original petition was taken up for admission, the learned counsel for the petitioner submitted that the petitioner is prepared to settle the issue with the defacto complainant. However, the defacto complainant is not available in the address mentioned in the First Information Report and therefore he could not return the money alleged in the complaint.

3. Considering this submissions of the petitioner that he is willing to settle the issue with the defacto complainant by repaying the money, this Court, by its order, dated 23.07.2025, has ordered notice to the second respondent. The learned Government Advocate(Crl.side) was also directed to ascertain the whereabouts of the defacto complainant and serve notice on him and also ensure his appearance before this Court on 07.08.2025.

4. Today, the defacto complainant is present before this Court and submits that he is residing in the address mentioned in the First Information Report. When the defacto complainant is very much available in the address mentioned in the First Information Report, it is



Crl.O.P.(MD)No.11941 of 2025

not known how the petitioner has made an allegation that he is not in a position to find out the defacto complainant.

5.The learned counsel for the petitioner submits that the defacto complainant was not appearing before the trial Court for five hearings and therefore, he is under the impression that he will not be available in his address mentioned in the First Information Report.

6.This Court is not a platform to call parties and settle the issue before this Court. In the event, if this petitioner solves the issue with the defacto complainant, it is up to the petitioner to move the application along with a compromise memo. This Court is not inclined to entertain this petition on the grounds raised in this petition.

7.Accordingly, this Criminal Original Petition is dismissed with liberty to this petitioner to raise all the grounds raised in this petition during the trial. Consequently, connected Miscellaneous Petitions are closed.

23.07.2025

NCC : Yes/No

Index: Yes/No

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Crl.O.P.(MD)No.11941 of 2025

B.PUGALENDHI,J

vrn

Order made in
Crl.OP(MD)No.11941 of 2025

07.08.2025