



Crl.O.P.(MD)No.11531 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11531 of 2025
and Crl.M.P.(MD)Nos.8734 and 8736 of 2025

V.Balamurugan

... Petitioner

versus

1. Radhakrishnan

2. S.Periyasamy

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the case in C.C.No.32 of 2021 on the file of the learned Judicial Magistrate, Uthamapalayam and quash the same same in respect of the petitioner/accused.

For Petitioner : Mr.H.Velavadhas

ORDER

The petitioner is the 7th accused in C.C.No.32 of 2021 on the file of the learned Judicial Magistrate, Uthamapalayam. He has moved this petition seeking to quash the proceedings pending against him.



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2. The learned counsel appearing for the petitioner submits that the petitioner is a Sub Registrar and he has been added as an accused that he has registered a partition deed in favour of the other accused. The learned counsel, by relying on the Judgment in O.S.No.87 of 2010 submits that the respondents/complainants are not having any right over the subject property, however, they have filed a private complaint and the same has been mechanically entertained by the trial Court.

3. All the points are factual aspects which can be appreciated only by the trial Court. Therefore, this Court is not inclined to entertain this petition. However, the petitioner is having a remedy before the trial Court, by filing a petition discharging him from the proceedings in C.C.No.32 of 2021. Therefore, this Court directs the petitioner to approach the trial Court and file a discharge petition.

4. The learned counsel for the petitioner apprehends that if any discharge petition is filed, then, it may not be concluded within a reasonable time.



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5. Considering the apprehension of the petitioner, this Court directs the trial Court to dispose of the discharge petition, if any, filed by the petitioner, as expeditiously as possible, preferably within a period of four months from the date of filing the discharge petition.

6. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

10.07.2025

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

1. The Judicial Magistrate Court,
Uthamapalayam.



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B.PUGALENDHI, J.

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