



Crl.O.P.(MD)No.12822 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12822 of 2025

and

Crl.M.P.(MD)Nos.10044 and 10045 of 2025

1. E.Nadesan
2. N.Manikanda Vasam
3. Vanaja
4. Vijayalakshmi

... Petitioners

versus

1. State of Tamil Nadu rep. by
The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.

2. Narayan Perumal

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in C.C.No.707 of 2023 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanniyakumari District and quash the same as illegal.

For Petitioners : Mr.S.Suresh Kumar



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For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

ORDER

The petitioners are accused Nos.1 to 4 in C.C.No.707 of 2025 on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanniyakumari District. They are facing the charges for the offences under Sections 294(b), 323 and 506(2) IPC. They have moved this petition seeking to quash the proceedings in C.C.No.707 of 2025 pending against them.

2. The learned counsel for the petitioners submits that the petitioners are not having any antecedent expect this case. Due to previous enmity, the defacto complainant has foisted this case as against the petitioners. He further submits that the 1st petitioner has lodged a complaint as against the defacto complainant and four others and the same has been registered in Crime No.155 of 2023 on 29.05.2023 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment Act 2002. However, the respondent Police has failed to comply with the provisions under Section 161(3) of Cr.P.C. and violated the provisions of law. Further, the trial Court has erroneously taken



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cognizance in C.C.No.707 of 2023. The infirmity of non-compliance of object of the provisions of law with regard to Section 161 of Cr.P.C. makes several suspicion in the investigation in Crime No.154 of 2023 on the file of the 1st respondent. Hence, it is liable to be quashed.

3. The grounds raised by the petitioners in this petition can be appreciated only during the trial before the trial Court. Therefore, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is closed with liberty to the petitioners to raise all the grounds before the trial Court.

4. The learned counsel appearing for the petitioners submits that the petitioners 3 and 4 are women and they have been unnecessarily added as accused in this case, in view of the litigation pending between the 1st accused/1st petitioner and the defacto complainant.

5. The petitioners 3 and 4 can very well move an application before the trial Court seeking to dispense with their personal appearance before the Court during the trial. In the event, if the Court is satisfied with the grounds raised by the petitioners 3 and 4, it is up to the learned Judicial Magistrate to



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take a call on the application filed by the petitioners 3 and 4 for dispensing with their personal appearance. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2025

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

1. The learned Judicial Magistrate Court No.III,
Nagercoil,
Kanniyakumari District.
2. The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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