

Crl.O.P.(MD)No.13151 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13151 of 2025
and Crl.M.P.(MD)No.10393 of 2025

1. Christopher John
2. Christal

... Petitioners

versus

1. The State of Tamil Nadu, rep. by
The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

2. Arul Prakash

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the proceedings in C.C.No.384 of 2024 pending before the learned Judicial Magistrate No.II, Kuzhithurai.

For Petitioner : M/s.M.Punitha Deva Kumar
For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. side)

ORDER

The petitioners are accused Nos.1 and 2 in C.C.No.384 of 2024 on the file of the learned Judicial Magistrate No.II, Kuzhithurai. They are facing



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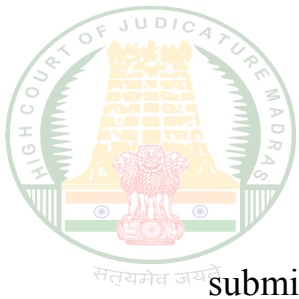
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trial for the offences under Sections 448, 294(b), 323, 324 and 506(2) IPC.

They moved this petition to quash the proceedings in C.C.No.384 of 2024 pending against them.

2. The learned counsel appearing for the petitioners submits that the petitioners and the defacto complainant are neighbours. There was an incident and the petitioners are the victims. However, the defacto complainant has foisted this complaint as against the petitioners that they have brutally attacked him with an iron road. However, the Doctor, who examined the victim/defacto complainant, has stated that it is only a simple injury. This injury, according to him, is an exaggerated version. The learned counsel has also pointed out that the occurrence had taken place on 08.04.2024, whereas the complaint was lodged on 11.04.2024. Therefore, there was a delay of three days in reporting the incident.

3. The learned counsel for the petitioners, by referring to the counter complaint lodged by the petitioners, submits that the petitioners are the victims and the defacto complainant is the aggressor. The complaint of the petitioners has also been charge sheeted in S.T.C.No.1906 of 2024 and the same is pending before the concerned Judicial Magistrate Court. He further



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submits that the second petitioner was working as an agent in the postal department. In view of the criminal case registered against the second petitioner, she has been terminated from service. Though the second petitioner is an innocent, this case has been falsely implicated against her. Further, she is also victimized by losing her job on account of this criminal case.

4. The learned Government Advocate (CrI. Side), who takes notice for the first respondent, submits that the case is posted on 28.10.2025 for examination of L.W.1 to L.W.3. According to him, the delay was due to the intimation received from the hospital. The learned Government Advocate has also relied on the wound certificate issued to the victim and admits that the counter case lodged by the petitioners have also been charge sheeted and it is now pending before the same Magistrate Court.

5. This Court considered the rival submissions made.

6. The grounds raised by the petitioners can be appreciated only during the trial. Since it is reported that the counter case lodged by the petitioners has also been charge sheeted by the respondent Police, it is the



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responsibility of the trial Court to conduct the trial jointly or simultaneously in both C.C.No.384 of 2024 and STC No.1906 of 2024. The petitioners have also raised a ground that in view of the criminal case registered against the second petitioner, she lost her job. Therefore, the trial Court shall give some priority to this case and try to conclude the same as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

06.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The learned Judicial Magistrate No.II,
Kuzhithurai.
2. The Sub Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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