

Crl.O.P.(MD)No.13003 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13003 of 2025 and
Crl.MP(MD) Nos.10211 & 10213 of 2025

1. S.Prasath
2. S.Sanjay

... Petitioners

Vs

1.The State of Tamilnadu,
Rep by the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.
Crime No.612/2024.

2.Eswara Moorthi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the Charge Sheet in CC No.172/2025 on the file of the Learned Judicial Magistrate III, Tirunelveli and quash the same as illegal insofar as the petitioners are concerned.

For Petitioners : Mr.K.Anand,
For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl. Side)

ORDER

Seeking quashment of the proceedings in CC No.172 of 2025, on the file of the learned Judicial Magistrate No.III, Tirunelveli,



CrI.O.P.(MD)No.13003 of 2025

the petitioners have approached this Court.

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2.The case of the prosecution is that on 05.11.2024, the petitioners along with 50 others have held demonstration and blocked the Palayamkottai to Tirumalaikolunthapuram Road. Though the police officials insisted them to move away, they refused to do so. Therefore, a case in Crime No.612 of 2024, for the offence under Sections 189(2), 191(2), 126(2), 293, 285, 132 BNS has been registered. After investigation, final report was also filed before the Judicial Magistrate Court No.III, Tirunelveli and the same is pending in CC No.172 of 2025.

3.The learned counsel appearing for the petitioners submits that the petitioners have conducted the agitation in a peaceful manner and there was no complaint from the public. He further submits that there is no reliable witness/evidence as against the petitioners. Even then, the respondent police has registered the above case in a mechanical manner.



Crl.O.P.(MD)No.13003 of 2025

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.172 of 2025 as the grounds raised by the petitioner are matter for trial.

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

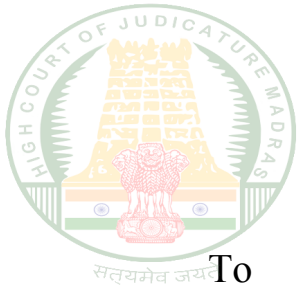
6.Though the petitioners have raised several grounds, this Court is of the opinion that it can be appreciated only during the trial. Therefore, this Court is not inclined to entertain this petition and accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioners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

04.08.2025

NCC : Yes/No

Index : Yes/No

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Crl.O.P.(MD)No.13003 of 2025

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The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.



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Crl.O.P.(MD)No.13003 of 2025

B.PUGALENDHI, J.

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Order made in
Crl.OP(MD)No.13003 of 2025 and
Crl.MP(MD) Nos.10211 & 10213 of 2025

04.08.2025