



Crl.O.P.(MD)No.12975 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.08.2025

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**Crl.OP(MD)No.12975 of 2025**

**and**

**Crl.M.P.(MD)Nos.10196 and 10197 of 2025**

1. S.Prasath

2. S.Sanjay

... Petitioners

versus

1. The State of Tamil Nadu, rep. by  
The Inspector of Police,  
Tirunelveli Taluk Police Station,  
Tirunelveli.

2. Sanmugavadivu

...Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the charge sheet in C.C.No.186 of 2025 on the file of the learned Judicial Magistrate No.III, Tirunelveli and quash the same as illegal asfaras the petitioners are concerned.

For Petitioners : Mr.K.Anand

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



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## **ORDER**

The petitioners are accused Nos.6 and 7 in C.C.No.186 of 2025 on the file of the Judicial Magistrate No.III, Tirunelveli Taluk. This case has been registered as against the petitioners and six others for the offences under Sections 191(2), 126(2), 296(b), 131 and 351(3) of BNS. The petitioners have moved this petition seeking to quash the proceedings in C.C.No.186 of 2025 pending against them.

2. The case of the prosecution is that the petitioners along with their friends were walking in the road and blocking the traffic and when the same was questioned by the defacto complainant, the accused persons said to have abused him in filthy language and assaulted him with hands. Hence, the case.

3. The petitioners have moved this petition on the ground that they were not present along with other accused at the time of occurrence.

4. However, the learned Government Advocate (Crl. Side) submits that there are five eyewitnesses to the occurrence and they have stated that the petitioners were also present along with other accused at the time of



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occurrence. Whether the petitioners were present in the place of occurrence and whether the statements made by the eyewitnesses are correct or not, can be tested only during the trial. On this ground, this Court cannot quash the proceedings in C.C.No.186 of 2025 pending against the petitioners.

5. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all these grounds before the trial Court. Consequently, connected miscellaneous petitions are closed.

**01.08.2025**

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

1. The Inspector of Police,  
Tirunelveli Taluk Police Station,  
Tirunelveli.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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