



Crl.O.P.(MD)No.13212 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13212 of 2025 and
Crl.MP(MD) Nos.10442 & 10444 of 2025

Manikandan

... Petitioner

Vs

1.The State of Tamil Nadu,
The Inspector of Police,
Uppiliyapuram Police Station,
Uppiliyapuram,
Trichy District.
(In Crime No.124/2024).

2.Karthick

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records relating to the Impugned Charge Sheet in
C.C.No. 138/2024, on the file of Judicial Magistrate Court, Thuraiyur
and quash the same.

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



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ORDER

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Seeking quashment of the proceedings in C.C.No. 138 of 2024, on the file of Judicial Magistrate Court, Thuraiyur, the petitioner has approached this Court.

2.The case of the prosecution is that on 01.05.2024 the petitioner attacked the second respondent with steel stick and scolded him and his family members in filthy language, with regard to usage of public pathway. Therefore, a case in Crime No.124 of 2024 has been registered as against this petitioner, for the offence under Sections 147, 294(b), 324 and 506(ii) IPC. On completion of investigation, final report was filed for the offence under Sections 147, 294(b), 324, 506(ii) and 323 IPC and the same was taken on file by the learned Judicial Magistrate, Thuraiyur and the same is pending.

3.The learned counsel for the petitioner submits that there is a dispute over the public pathway between the petitioner and the defacto complainant. However, without considering the same, the respondent police has registered this criminal case as against this petitioner. In fact, the defacto complainant and his father have attacked



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the petitioner's father and therefore, the petitioner has lodged a complaint and the same was registered in Crime No.125 of 2024. The learned counsel further submits that the petitioner is a Government servant and his personal appearance before the trial Court may be dispensed with as he finds it very difficult to get leave from the Department to appear before the trial Court regularly.

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.138 of 2024 as there are three eye witnesses in the above case to substantiate the occurrence. He submits that the grounds raised by the petitioner is a 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 petitioner has 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



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accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to raise all these grounds before the trial Court, during trial. Insofar as the request of this petitioner for dispensing with his personal appearance before the trial Court is concerned, this Court is of the view that it is upto the petitioner to file necessary application, under Section 228 of BNSS (205 of Cr.P.C), before the concerned Court and if the Court is satisfied with the reasons assigned therein and it is up to the trial Court to take a call, on the request of this petitioner for dispensing his personal appearance during the trial. Consequently, connected Miscellaneous Petitions are closed.

07.08.2025

NCC : Yes/No

Index : Yes/No

vrn

To

The Inspector of Police,
Uppiliyapuram Police Station,
Uppiliyapuram,
Trichy District.



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B.PUGALENDHI, J.

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Order made in
Crl.OP(MD)No.13212 of 2025 and
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