



Crl.M.P.(MD)No.12561 of 2024 in

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

Crl.M.P.(MD)No.12561 of 2024 in
CRL OP(MD)No.20315 of 2024

O.M.Abdul Razaac
S/o.Odhuman Mohamed, 31, Mayilakadar Street,
Melapalayam, Tirunelveli.

Petitioner(s)

Vs

AM. Razul Mustafa
S/o.Mohammed Saliq, 13, Basheer Appa Street,
Melapalayam, Tirunelveli.

Respondent(s)

For Petitioner(s):
Mr.G.Karuppasamypandiyan

ORDER

The petitioner (A1) is facing trial in C.C.No.2317 of 2023 for an offence under Section 435 of the Indian Penal Code (I.P.C.), based on a private complaint filed by the respondent.

2. The respondent had lodged a complaint stating that on 22.11.2022, two unknown persons threw the carcass of a dog into his compound while he was away,



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and that the petitioner, along with one Appa Buhari, instigated the act due to a dispute between their families.

3. The learned counsel for the petitioner contends that the respondent is the neighbour of the petitioner and there is no direct evidence connecting the petitioner to the crime and the allegations are based purely on speculation. Furthermore, the learned counsel for the petitioner submits that the Magistrate's cognizance order, dated 10.11.2023, lacks clarity and does not provide proper reasons or evidence to justify an offence under Section 435 I.P.C. The complaint was initially filed under Section 156(3) Cr.P.C., but was later taken as a private complaint under Section 200 Cr.P.C. The CCTV footage shows the act of throwing the carcass, but does not identify the perpetrators or establish any connection to the petitioner. The learned counsel further submits that the cognizance order is unsupported by sufficient evidence and is based on conjecture and hence, the learned counsel seeks to quash the proceedings.

4. Considering the above said submissions and on perusal of the materials, it is seen that a prima facie case has been made out. Hence, there shall be an order of interim stay of all further proceedings in C.C.No.2317 of 2023, on the file of the Judicial Magistrate Court No.V, Tirunelveli.



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5. Notice to the respondent returnable by 18.02.2025. Private notice is also permitted.

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/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2
TO
1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

ORDER
IN
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SA/GSV/SAR. /21.01.2025/3P/3C
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