



Crl.O.P.(MD)No.21281 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.21281 of 2025
& Crl.M.P.(MD)Nos.18261 & 18263 of 2025

1.Stalin
2.Mani
3.Rosemary

... Petitioners

Vs.

1.The State of Tamil Nadu,
The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.
Crime No.346 of 2021

2.Subash

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in C.C.No.80 of 2021 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District, and quash the same.

For Petitioners : Mr.G.Radhakrishnan

For Respondents : Mr.S.Ravi (R1)

Additional Public Prosecutor



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ORDER

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This petition has been filed seeking to quash the charge sheet in C.C.No. 80 of 2021 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, Kanniyakumari District.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor drew my attention to 161 Cr.PC., statement given by the victim, namely, Subash, wherein overtact against the petitioners herein has been clearly made out.

3. The defecto complainant / victim / injured has stated in his 161 Cr.PC., statement that on 07.07.2021, at about 4:00 pm., while the victim was travelling from his house to Kuttakuzhi by two-wheeler and coming near the house of Stalin / 1st petitioner, all the three petitioners altogether intercepted him and abused him with the filthy words. The first accused, namely, Stalin / 1st petitioner had attacked him with charmer in his left cheek causing blood injury and the second accused, Mani / 2nd petitioner and the third accused, Rosemary / 3rd petitioner had attacked him with a stick causing inflammatory wound.



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4. The learned Additional Public Prosecutor submitted that the statement made by the defacto complainant / victim / injured has been duly corroborated by the Doctor, who had examined the injured and had stated that the victim had suffered lacerated wound over the lower eyelid and later, the defacto complainant / victim / injured had sent to Assistant Surgeon Headquarters Hospital, Padmanabhapuram, for further treatment. The statements of the doctor as well as the victim would suffice to prove that there are sufficient reasons to proceed as against accused / petitioners and hence, he pressed for dismissal of this petition.

5. The learned counsel appearing for the petitioners submitted that even the first and second petitioners had never been in the scene of occurrence as alleged by the prosecution and they were out of station, for which, the learned Additional Public Prosecutor submitted that this is a matter to be established before the trial Court.

6. Heard the learned counsel on either side and perused the materials placed before this Court, particularly 161 statements made.



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7. On perusal of 161 statements, it is clear that specific overact has been attributed against the petitioners, which clearly indicate their active participation in commission of crime, which is also corroborated by the Doctor, who had examined the defacto complainant / victim / injured. This is not a fit case to quash the criminal proceedings and absolutely, I do not find any merit in this case. In view of the same, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

01.12.2025

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
Crl.O.P.(MD)No.21281 of 2025

Dated
01.12.2025