



*Crl.O.P.(MD)No.13296 of 2025*

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

DATED : 11.08.2025

CORAM :

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

**Crl.OP(MD)No.13296 of 2025 and**  
**Crl.MP(MD) Nos.10524 & 10525 of 2025**

Rahumathullah

... Petitioner

Vs

1.The State of Tamilnadu, Rep.,  
By the Inspector of Police,  
Tenkasi Police Station,  
Tenkasi District.  
(Crime No.231 of 2019).

2.B.Velrajan

...Respondents

**Prayer :** Criminal Original Petition filed under Section 528 of BNSS, to call for records relating to the proceedings in CC No.290 of 2019 on the file of Judicial Magistrate, Tenkasi and quash the same on the ground abuse of process of law.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | : Mr.N.Shyllappakalyan          |
| For R1         | : Mr.A.S.Abul Kalaam Azad       |
|                | Government Advocate (Crl. Side) |



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*Crl.O.P.(MD)No.13296 of 2025*

## **ORDER**

The petitioner/sole accused in CC No.290 of 2019 on the file of Judicial Magistrate, Tenkasi has approached this Court, to quash the above proceedings pending as against him.

2.The above case has been registered on the complaint of the defacto complainant, who is working as a Head Constable. On 12.04.2019, the petitioner/an auto driver has parked his vehicle bearing Registration No. TN 76 Q 3575 APE AUTO, in front of the New Iyengar Bakery, which caused traffic jam. Therefore, the defacto complainant, who was in the patrol duty has asked the petitioner to park the vehicle in some other place, for which, the petitioner has scolded the defacto complainant with filthy language and threatened him. Therefore, a case in Crime No.231 of 2019, for the offence under Section 294(b), 353 and 506(ii) IPC has been registered as against the petitioner. After investigation, final report was also filed and the same is pending before the Judicial Magistrate, Tenkasi in CC No.290 of 2019.



*Crl.O.P.(MD)No.13296 of 2025*

WEB COPY

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the defacto complainant, being a police constable, by misusing his official power has lodged a false complaint, based on which, this case has been registered as against this petitioner and therefore, the above proceedings has to be quashed. The petitioner is a daily wage worker and his entire family is depending upon his income and therefore, his personal appearance before the trial Court may be dispensed with.

4.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl. Side), who takes notice for the first respondent submits that there are five independant eye witnesses to the incident and therefore, he strongly objects for quashing the above proceedings.

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



*Crl.O.P.(MD)No.13296 of 2025*

WEB COPY

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 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 the 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, sympathetically. Consequently, connected Miscellaneous Petitions are closed.

**11.08.2025**

NCC : Yes/No

Index : Yes/No

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To

4 / 6



*Crl.O.P.(MD)No.13296 of 2025*

WEB COPY

- 1.The Judicial Magistrate, Tenkasi
- 2.The Inspector of Police,  
Tenkasi Police Station,  
Tenkasi District.



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*Crl.O.P.(MD)No.13296 of 2025*

**B.PUGALENDHI, J.**

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