



WEB COPY

CRL OP No. 1616 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 1616 of 2026

and Crl.M.P. Nos.1045 & 1046 of 2026

B.Vinoth

..Petitioner(s)

Vs

1. The State represented by the
Inspector of Police,
Thammampatty Police Station,
Salem District.
Crime No.95 of 2024

2. Suganya

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records pertaining to the Impugned Final Report in C.C.No.904 of 2025 on the file of the learned Judicial Magistrate-II, Attur and quash the same.

For Petitioner(s): Mr.N.S.Suganthan

For Respondent(s): Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1



ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.904 of 2025 on the file of the learned Judicial Magistrate No.II, Attur.

2. The case of the prosecution is that owing to a prior property dispute, on 23.01.2024, at about 8.00 p.m., the accused persons allegedly formed an unlawful assembly and assaulted the de facto complainant, her mother and her brother using hands, iron rod, billhook and wooden log, causing bleeding and simple injuries. Based on the complaint, FIR has been registered, investigation has been conducted and final report has also been filed.

3. The learned counsel for the petitioner submitted that there exists a family dispute between the family members of the petitioner and the family members of the de facto complainant. The petitioner is the son-in-law of A2. He further submitted that since the petitioner is employed in a Government Corporation, he has been falsely implicated in this case to wreak vengeance. On the alleged date of occurrence, the petitioner was on duty at Tamil Nadu Cements Corporation Limited, Alangulam, Virudhunagar District and his attendance has also been duly marked by the employer. Further, the place of



occurrence is situated at a distance of about 300 kms. from Virudhunagar and therefore, there is no possibility of the petitioner having been present at the scene of occurrence.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that this is a case wherein the petitioner, along with other accused, assaulted the relative of the de facto complainant, resulting in the victim sustaining grievous injuries. He further submitted that the plea of alibi is a matter to be established during trial and cannot be considered by this Court while exercising its jurisdiction under Section 482 of Cr.P.C. and that the same is purely a matter for trial.

5. At this juncture, the learned counsel for the petitioner sought the indulgence of this Court to dispense with the personal appearance of the petitioner before the trial court, since the petitioner is working in a Government Corporation.

6. This Court has considered the facts and circumstances of the case and the submissions made by the learned counsel appearing on either side. Though it is contended by the learned counsel for the petitioner that the



petitioner was not present at the scene of occurrence and that he was working in a Government Corporation situated about 300 kms. away from the place of occurrence, as rightly argued by the learned Government Advocate (Crl.Side), the plea of alibi is a matter to be raised and proved before the trial Court and not before this Court under Section 482 of Cr.P.C. Therefore, this Court is not inclined to quash the proceedings at this stage.

7. Accordingly, this Criminal Original Petition stands dismissed. However, acceding to the submission made by the learned counsel for the petitioner, the presence of the petitioner before the trial court is dispensed with, except for receipt of copies, answering the charges, questioning under Section 313 of Cr.P.C. The petitioner shall be duly represented by his counsel before the trial court on all hearing dates. As far as the stay petition in Crl.MP.No.1045 of 2026 is concerned, the same stands closed. Crl.MP.No.1046 of 2026 which is filed for dispensing with personal appearance is ordered in the above terms.

29-01-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR



To

WEB COPY

1. The Inspector of Police,
Thammampatty Police Station,
Salem District.
2. The Judicial Magistrate No.II, Attur.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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