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CRL OP No. 6285 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 6285 of 2026
and Crl.M.P.No.4636 of 2026**

Elayaramarajan Kumar @ Ramaraj
S/o. Kumar
No.5/899, Rajiv Gandhi Nagar,
Adhamangala Pudur Post,
Kalasapakkam Taluk,
Tiruvannamalai District.

..Petitioner(s)

Vs

1. The State Rep. By
The Inspector of Police,
Adhamangalam Pudhur Police Station,
Tiruvannamalai District
(Cr.No.25/2026)

2. Pannirselvam
S/o.Krishnan,
No.837, Rajiv Gandhi Nagar,
Adhamangalam Pudur Post,
Kalasapakkam Taluk,
Tiruvannamalai District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of BNSS to call for the entire records in Cr.No.25/2026, pending on the file of the first respondent police and quash the same as illegal, incompetent, arbitrary and against the nature of justice.

For Petitioner(s): Mr.Gokulvisvas C R

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor for R1



ORDER

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This Criminal Original Petition is filed to quash the entire records in Cr.No.25/2026, pending on the file of the first respondent police.

2. On 15.01.2026 a case has been registered against the petitioner in Cr.No.25/2026 for the offences punishable under Section 191(2), 296(b), 115(2) & 351(2) of BNS alleging that the petitioner along with six co-accused went to the *de facto* complainant house and abused the *de facto* complainant with filthy language and assaulted him by hands.

3. The learned counsel for the petitioner submitted that the petitioner is an Advocate who is fighting for a rightful cause and he has been questioning the high-handedness of the police and hence he has falsely implicated in this case. According to the petitioner, the petitioner was a pedestrian to Tiruchendur Temple from 14.01.2026 to 17.01.2026. But it has been projected as though the petitioner was present in Tiruvannamalai District and committed the offence on 15.01.2026. In support of his contention, the petitioner had also produced the Train travel tickets.



4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the petitioner is claiming alibi which cannot be decided in a quash petition and it is a matter of fact which has to be necessarily decided at the time of trial. The learned Additional Public Prosecutor further submitted that the petitioner has also lodged a complaint against the *de facto* complainant and a case has been registered in Cr.No.24/2026. It is a case in counter. Hence the petitioner's contention that he was not present in the scene of occurrence would fall flat.

5. On considering the submission and on perusal of the materials available on record, it is seen that this is a case in counter and since the petitioner is claiming alibi, it is a matter of fact that has to be decided at the time of the trial. In view of the same, this Court is not inclined to allow this petition.

6. Accordingly, this Criminal Original Petition is dismissed. Connected miscellaneous petition is closed.

26-03-2026

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

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To:

The Inspector of Police,
Adhamangalam Pudhur Police Station,
Tiruvannamalai District

CRL OP No. 6285 of 2



M.NIRMAL KUMAR, J.

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26-03-2026