



WEB COPY

CRL OP No. 14220 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 14220 of 2026

AND

CRL MP Nos.9144 and 9145 OF 2026

Ramar
S/o.Pichamuthu,
M.G.R. Nagar, Anaiyamapatti,
Gangavalli Taluk,
Salem District.

..Petitioner/Accused

Vs

1. The State Rep. by,
The Inspector of Police,
Gengavalli Police Station,
Salem.
Cr.No.128/2024

2. Balamurugan
D/o.Rajendran,
No.7/61, Pallar Street, Anaiyamapatti (PO),
Gangavalli Taluk,
Salem District.

..Respondent(s)

PRAYER: The Criminal Original Petition filed under Section 528 of BNSS, 2023, praying to call for the records and quash the final report in C.C.No.1385 of 2025 on the file of the Judicial Magistrate-II, Attur, Salem District, as against the Petitioner/Accused.

For Petitioner : Mr.PA.Sai Govindaraja

For Respondent-1: Mr.R.Rajasekaran
Government Advocate (Crl. Side)



ORDER

WEB COPY

The petitioner, who is facing trial in C.C.No.1385 of 2025 for offence under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, had filed this quash petition.

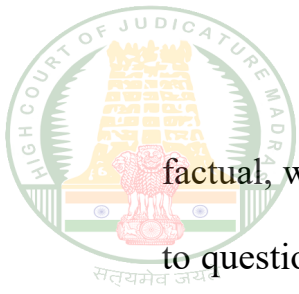
2. The contention of the petitioner is that there was a civil dispute between the petitioner and the second respondent/de facto complainant and civil cases are pending against each other. It is projected that on 26.07.2024 at about 5.00 p.m., when the second respondent went to pick up his sister, the petitioner waylaid the second respondent, assaulted him, pushed him to the ground and attempted to attack his sister with a knife. While saving his sister, the de facto complainant sustained injuries and bystanders saved them and sent them to the hospital. He further submitted that a counter complaint has been lodged by the petitioner and a case in Crime No.129 of 2024 registered against the de facto complainant and others. On completion of investigation, charge sheet filed in C.C.No.1386 of 2025, which is also pending before the same Court. The primary ground raised by the petitioner is that the injuries sustained by the petitioner in C.C.No.1386 of 2025 were grievous in nature, whereas the injury sustained by the second respondent/de facto complainant in C.C.No.1385 of 2025 is simple in nature. However, on a wrong reading of the materials, it was projected as though the petitioner attacked the de facto complainant and caused



grievous injuries. Further, it would be seen that the de facto complainant attacked the petitioner, which was disproportionate to the fight and dispute, and the second respondent/de facto complainant was the aggressor. These facts not considered by the respondent police or by the trial Court while framing the charges. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl. Side) submitted that on the complaint of the de facto complainant/second respondent, a case in Crime No.128 of 2024 registered against the petitioner and on the complaint of the petitioner, a case in Crime No.129 of 2024 registered against the second respondent/de facto complainant. Both the cases are tried before the same Court, i.e., Judicial Magistrate Court No.II, Attur, Salem District. Both cases are posted together but tried separately and summons sent for the appearance of the witnesses. He further submitted that the petitioner's contentions are factual in nature, which can be raised during trial. It is for the petitioner to substantiate his defence in the trial. It is a case in counter, hence the petitioner has to necessarily face the trial.

4. Considering the submission made and on perusal of the material, it is seen that it is a case in counter. In both the cases, investigation completed, charge sheet filed, both cases are tried by the same Magistrate. Both cases are posted simultaneously but tried separately. The contentions of the petitioner are



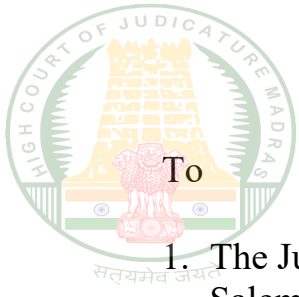
factual, which has to be necessarily put to the concerned witnesses. With regard to questioning of medical certificate and other records, the same can be decided only during trial. In view of the same, this Court is not inclined to entertain this petition.

5. Hence, the Criminal Original Petition stands dismissed. The trial Court is directed to post both the cases together and try it separately and to render a judgment on the same day on its own merits.

6. It is made clear that the observations made herein are only to the limited purpose in deciding the above petition. The petitioner is at liberty to raise all points during trial. The trial Court to independently consider the case and dispose of the same on its own merits, uninfluenced by the observations made herein. Consequently, the connected criminal miscellaneous petitions are closed.

05-06-2026

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



To

1. The Judicial Magistrate-II, Attur,
Salem District.

2. The Inspector of Police,
Gengavalli Police Station,
Salem.

3. The Public Prosecutor,
High Court, Madras.

WEB COPY



WEB COPY

CRL OP No. 14220 of 2



M.NIRMAL KUMAR J.

RSI

**CRL OP No. 14220 of 2026
AND
CRL MP NOS. 9144 and 9145 OF 2026**

05-06-2026