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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5577 of 2026

and

Crl.MP(MD)No.6021 of 2026

Prem Kumar @ Prem Kanth

... Petitioner/Accused No.4

Vs

1. The State of Tamilnadu
Rep. by the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli District.
(Crime No.110 of 2020).

... 1st Respondent / Complainant

2. M.Ponnuraj

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records in connection with the C.C.No.1126 of 2020 on the file of learned Judicial Magistrate No.1, Tirunelveli, Tirunelveli District, and quash the same.

For Petitioner : Mr. A.S.Vaigunth

For Respondents : Mr. R.Meenakshi Sundaram
Additional Public Prosecutor for R1.



ORDER

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The present petition has been filed by the fourth accused in C.C.No.1126 of 2020 on the file of the learned Judicial Magistrate No.1, Tirunelveli, Tirunelveli District, seeking to quash the charge sheet wherein he is charged with the offences under Sections 285, 506(2) and 353 of IPC.

2. A perusal of the charge sheet reveals that the petitioner and three others are said to have assembled at the collectorate office and attempted to pour kerosene upon them, protesting against the stocking of paddy belonging to the Civil Supply Department within the temple premises. The Charge sheet further reveals that they have threatened that they will pour the petrol against anyone who is attempting to douse the fire.

3. According to the learned counsel for the petitioner submits that the petitioner was not present in the scene of occurrence.

4. Heard the learned counsel for the petitioner and perused the materials available on record.



5. The plea of alibi is the subject matter of the trial, and the entire burden would be found on the accused person to establish the same. The dispute fact cannot be considered while considering an application for quashing the charge sheet.

6. Considering the above said circumstance, no merit in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

18.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

1. The Judicial Magistrate No.1, Tirunelveli,
Tirunelveli District.
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

dss

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