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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.5693 of 2026
and
CrI.M.P.(MD)Nos.6163 & 6164 of 2026

Baseer Mohamed

...Petitioner/Accused No.1

Vs

1. State of Tamilnadu,
Rep by the Inspector of Police,
Annavaasal Police Station,
Pudukkottai District.
Crime No. 225/2025.

...Respondent/Complainant

2. Peer Mohamed

...Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the entire records in CC No.10/2026 on the file of the District Munsif Cum Judicial Magistrate, Illuppur, Pudukkottai District, and quash the same as against the petitioner.

For Petitioner : M/s.M.Pitchai Muthu

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R1
Mr.N.Mohideen Basha for R2



ORDER

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The present petition has been filed by the first accused in C.C.No.10 of 2026 on the file of the District Munsif cum Judicial Magistrate, Illuppur, Pudukottai, wherein the petitioner is charged with the offences under Sections 191(2), 296(b), 351(2), 331(3) and 305 of BNS, 2023.

2. A perusal of the charge sheet reveals that the petitioner along with 6 other persons are said to have entered into the property of P.W.1 and damaged the bureau and taken 14 sovereigns of jewels belonging to his wife. He is also alleged to have abused her and attacked her with an Aruval.

3. The learned Counsel appearing for the petitioner submits that in fact, the property belongs to the second accused and it does not belong to the first witness and in such circumstances, the entire allegation is false.

4. The properties are located in Meivazhisalai where nobody claims any ownership over the property and it is considered to be a community property. In such circumstances, it is for the petitioner to establish that the property belongs to A2, through oral evidence. In such circumstances, the defence taken by the petitioner cannot be considered in the quash petition.



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5. Considering the fact that the petitioner is 76 years old, the presence of the petitioner may be dispensed with by the trial Court unless it is specifically directed by the trial Court.

6. In view of the above said facts, there are no merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

23.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The District Munsif Cum Judicial Magistrate,
Illuppur,
Pudukkottai District.
2. The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

Crl.OP.(MD)No.5693 of 2026

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