

CRL.OP.No.7553 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22-07-2026

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.7553 of 2026
and CRL.MP.Nos.5403 & 5406 of 2026

- 1.Selvaraj @ Selvarasu
- 2.Navaneetha Krishnan
- 3.Aravinth @ Aravinth Kumar
- 4.Selvi
- 5.Swamiyathal
- 6.Selvakumar

..Petitioner(s)

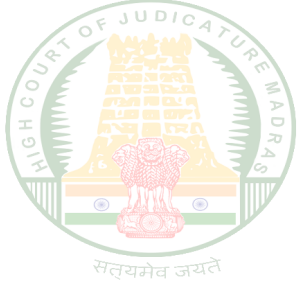
Vs.

- 1.The State Rep. by
The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
(Cr.No.299 of 2025)

- 2.Duraithirunavukkarasu

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records relating in C.C.No.28 of 2026 on the file of the Judicial Magistrate Court, Dharapuram and quash the same by allowing this criminal original petition.



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For Petitioner(s):

Mr.C.Iyyapparaj
for Mr.C.Ramaraj

For Respondent(s):

Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl.Side)

Ms.Aishwariya P.G (for R2)

ORDER

This criminal original petition is filed to quash the final report in C.C.No.28 of 2026, pending on the file of the Judicial Magistrate Court, Dharapuram.

2. A perusal of the First Information Report (FIR), the materials collected during the course of the investigation and the final report reveals that the petitioners/accused, as well as the second respondent/de facto complainant, are all co-owners of the subject property. They enjoy different extents of the land by using a common well for irrigation. While so, a dispute arose regarding one party laying a pipeline by using solar pump. When the other co-sharers objected to the same, the de facto complainant alleged that he was wrongfully restrained, verbally abused and threatened. On account of this, a case was registered against the



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petitioners. After completion of the investigation, a final report was filed for the alleged offences under Sections 189(2), 296(b), 127(2) and 351(3) of the BNS. Aggrieved by the same, the petitioners have filed the present quash petition.

3. The learned counsel for the petitioners submitted that even if the averments made in the Section 161 of Cr.P.C. statement of the de facto complainant and the other materials are taken as true, the alleged offences are still not made out. He therefore prays that this Court allow the petition and quash the proceedings.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that the final report was filed only after the investigation disclosed *prima facie* materials showcasing the commission of the offences.

5. The learned counsel appearing on behalf the second respondent/de facto complainant submitted that the pleas made by the petitioners are purely factual in nature. She also produced a photograph displaying the



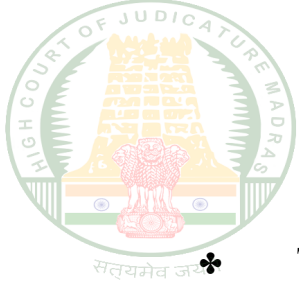
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presence of all the petitioners/accused at the spot with the corresponding date and time. She further submitted that the rest of the allegations are factual in nature and must be tested only during a trial before the Trial Court.

6. Heard the rival submissions made on either side and perused the materials available on record.

7. Upon consideration, it is evident that the de facto complainant and the petitioners are co-sharers of the subject property. A civil dispute is pending between the parties in O.S.No.161 of 2024 on the file of the District Munsif Court, Dharapuram. In the said suit, a permanent injunction was prayed for, which is being duly contested by the de facto complainant. Merely because a civil dispute is pending, that by itself will not preclude the de facto complainant from prosecuting the petitioners for criminal offences, provided a distinct criminal offence is made out.

8. However, a close examination of the ingredients of the alleged offences reveals the following:

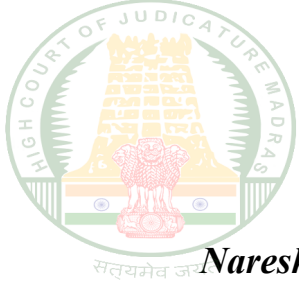


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❖ The specific words mentioned the final report and the statements were carefully perused. On a complete reading of the 161 statement of the de facto complainant and other witnesses, it is clear that the words pronounced were merely an expression of anger and frustration. They were not lascivious, did not appeal to the prurient interest of the listeners and lacked any tendency to deprave or corrupt the minds of those who heard them. In view thereof, following the dictum laid down by the Hon'ble Supreme Court of India in *Mani @ Subramaniam Vs. State rep. by the Deputy Superintendent of Police*, reported in *2016 INSC 719*, the offence under Section 296(b) of the BNS is not made out.

❖ To constitute criminal intimidation, the threat must be delivered in a manner that alarms the person threatened to deter them from doing a lawful act or to compel them to do something they are not legally bound to do. In the present case, a civil suit is pending regarding the entitlement of the property. A mere threat or confrontation by persons claiming a contrary right during a civil dispute does not amount to the offence of criminal intimidation. Taking the allegations at face value, the offence under Section 351(3) of the BNS is not made out. Useful reference in this regard can be made to the judgment of the Hono'ble Supreme Court of India in



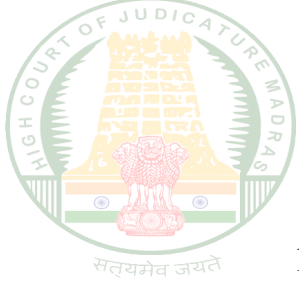
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Naresh Aneja @ Naresh Kumar Aneja Vs. State of Uttar Pradesh & Anr.reported in ***(2025) 2 SCC 604***.

❖ On reading 161 statement, it is seen that the de facto complainant merely states that the petitioners/accused came in a manner so as to surround him and abuse him. It is not a case where he was completely restrained from moving out of the place. Since the altercation happened pursuant to an ongoing civil dispute, it cannot be held that the de facto complainant was wrongfully restrained.

❖ Since the essential ingredients of the underlying offences of wrongful restraint, obscene abuse, and criminal intimidation are not made out, the charge of unlawful assembly automatically fails to stand.

9. Considering that the matter is pending as a civil suit, the parties are bound to abide by the interim order or final decree passed by the competent Civil Court. Allowing the criminal proceedings to continue under these circumstances would only amount to an abuse of the process of law, representing a clear attempt to dress up a predominantly civil dispute as a criminal case. For all the foregoing reasons, this Court is of the view that the petitioners are entitled to succeed.



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10. Accordingly, the criminal original petition stands allowed. The final report in C.C.No.28 of 2026, pending on the file of the Judicial Magistrate Court, Dharapuram, is hereby quashed. Connected miscellaneous petitions are closed.

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Neutral Citation: Yes

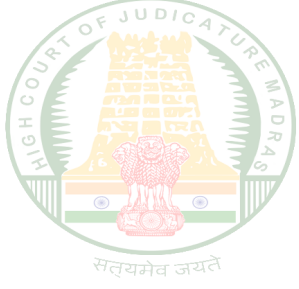
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To

1.The Judicial Magistrate,
Dharapuram.

2.The Inspector of Police,
Moolanur Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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