

Crl.O.P.No.10448 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.10448 of 2026
and Crl.M.P.Nos.7451 and 7452 of 2026

1. Murali
2. Sathish
3. Ashogan

.. Petitioners

Versus

1. The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur District.
(Crime No.332 of 2023)

2. M.S.Pazhanivel

.. Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the case in C.C.No.270 of 2025 pending on the file of the learned Judicial Magistrate Court No.II at Thiruvallur and quash the same.

For Petitioners : Mr.Thiyagarajan B

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1



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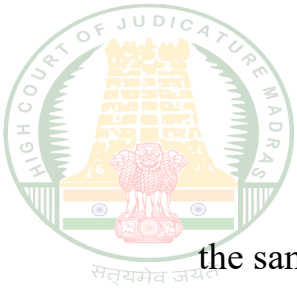
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ORDER

The Criminal Original Petition is filed with a prayer to quash the Final Report and all the further proceedings in C.C.No.270 of 2025 on the file of the learned Judicial Magistrate No.II, Thiruvallur.

2. The case is taken on file for the alleged offences under Sections 447, 294(b) and 506(ii) of the Indian Penal Code. The gravamen of the allegations is that the de facto complainant is the owner of the property and asserting the rights falsely, the petitioners illegally trespassed into the property and also threatened the de facto complainant.

3. The learned Counsel for the petitioners would primarily rely upon the copy of the complaint that is produced by him along with the typed set of papers. The same contains the seal of the office of the Deputy Superintendent of Police with an endorsement, dated 25.09.2023. The learned Counsel, by pointing out to the said complaint, would submit that it can be seen that the de facto complainant lodged the complaint, dated 22.09.2023 and it has been forwarded by the Superintendent of Police to the Deputy Superintendent of Police on 22.09.2023, who in turn forwarded

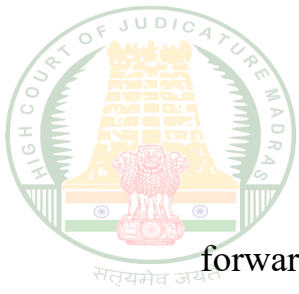


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the same only on 25.09.2023. In view thereof, there was no question of the complaint being received at the Police Station on 22.09.2023 itself and the F.I.R being registered. The same categorically reads that upon receipt of the complaint from the Deputy Superintendent of Police, the case was registered. Therefore, there is no way the Deputy Superintendent of Police could have forwarded the complaint on 22.09.2023 itself. He would further submit that the petitioners are not claiming ownership in respect of the land.

4. I have also heard the learned Government Advocate (Criminal Side) for the first respondent and the learned Counsel for the second respondent/de facto complainant.

5. Even *prima facie*, on looking the complaint, it can be seen that the Superintendent of Police forwarded the complaint to the Deputy Superintendent of Police with an instruction to register F.I.R and report compliance. The round seal that is there in the complaint only depicts the date as 25.09.2023. Therefore, whether it is forwarded on 22.09.2023 itself or only after 25.09.2023 itself, are all the questions to be taken up during the course of the trial by way of cross-examination. The



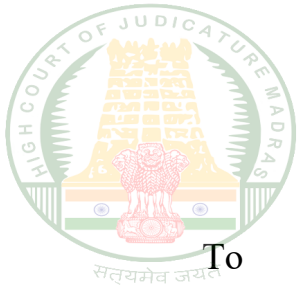
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forwarding by the Deputy Superintendent of Police or the Superintendent of Police is not a *sine qua non* for registering the F.I.R. If the allegations contain in the complaint makes out cognizable offences, then, the First Information Report can be registered. Therefore, when something is not relating to inherent bar or any legal impediment, the questions relating to proprietary and non-following of procedure etc., are all technical issues which can be raised appropriately during the trial and cannot be the grounds to quash the case itself.

6. Therefore. keeping open the liberty of the petitioners to raise all these questions during the course of the trial, this Criminal Original Petition is disposed of. Considering the nature of allegations and the hardship that is prayed, the personal appearance of the petitioners shall stand dispensed with, except for such hearings as the Trial Court may insist upon. Consequently, connected miscellaneous petitions are closed.

03.07.2026

Neutral Citation : no
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To

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1. The Judicial Magistrate No.II,
Thiruvallur.
2. The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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