



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16763 of 2026

1. Duraipandiyan
S/o.Anandhan,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.
2. Muthulakshmi
W/o.Anandhan,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.
3. Sivalingam
S/o.Subramaniyan,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.
4. Seenuvasan
S/o.Subramaniyan,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.
5. Rasathi
W/o.Subramaniyan,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.
6. Jothi
W/o.Sathish,
Kuladeepamangalam,
Agaram,Thirukoilur taluk,
Kallakurichi district.

..Petitioner(s)



Vs

1. State rep.by
The Special Sub-Inspector of Police,
Thirukoilur Police Station,
Kallakurichi district.
Cr.No.18 of 2026.
2. Elumalai
S/o.Chinnakannu,
Nedumudayan Village,
Thirukoilur taluk,
Kallakurichi district.

..Respondent(s)

Prayer: This Criminal Original Petition is filed under Section 528 of BNSS, 2023 to call for the records pertaining to the Impugned FIR in Cr.No.18 of 2026 on the file of the 1st respondent (Thirukoilur Police Station, kallakurichi district) and quash the same as an illegal abuse of the process of law.

For Petitioner(s): Mrs. L.Meenakshi

For Respondent(s): Mr.R.Rajasekaran,
Counsel for Government of Tamil Nadu

ORDER

This Criminal Original Petition is filed with a prayer to quash the F.I.R.

2. I have heard the learned counsel for the petitioner and learned Counsel for Government of Tamil Nadu.

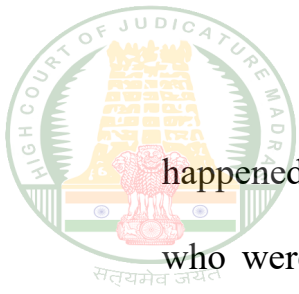


3. Upon considering the F.I.R, the gist of allegations is that the petitioners are alleged to have demolished the deities which were worshipped as Kula Deivam by the defacto complainant and upon confrontation they were abused by the petitioners with filthy language and threatened to kill them if they again enter the place in the name of worship.

4. The learned counsel for the petitioner would submit that the entire case is false and as a matter of fact prior to the above occurrence on 04.12.2025, it is the defacto complainant and others who are the aggressors and attacked the accused herein. The accused suffered injuries and even then though the said fact is recorded in the Accident Register copy by the Learned Assistant Surgeon, Government Hospital, Thirukoilur and inspite of preferring a complaint, the same is kept pending in C.S.R.No.1325 of 2025, while the police have registered the above F.I.R on the false complaint given by the second respondent.

5. I have considered the said submission made by the learned counsel for the petitioner.

6. Even going by the contention made by the learned counsel for the petitioner, only the factual pleas are taken that the occurrence was not there and a false complaint was given, it is the further case the different occurrence



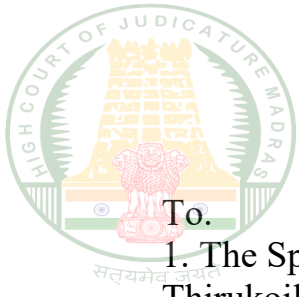
happened on 04.12. 2025, whereby it is only the defacto complainant and others who were the aggressors and it is only the accused who was attacked. With reference to the said complaint, the Counsel for Government of Tamil Nadu would submit that the enquiry is still pending.

7. In view thereof, let the respondent conduct the enquiry and depend on the enquiry report, the respondent police register a case and conduct investigation. If they found prima facie case that by itself cannot be a ground to quash the F.I.R, when the averments are factual in nature and the same has to be gone into during the course of investigation and giving liberty to the petitioner to place on record all such facts they have placed before this Court before the Investigating Officer and directing the investigating officer to dispassionately consider all such aspects during the course of investigation.

8. The prayer as such cannot be countenanced and accordingly the Criminal Original petition stands disposed of.

01-07-2026

Neutral Citation: Yes/No
SMN



To.

1. The Special Sub-Inspector of Police,
Thirukoilur Police Station, Kallakurichi district.

2. The Public Prosecutor, High Court, Madras

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D.BHARATHA CHAKRAVARTHY, J.

SMN

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