



CRL.OP.No.17638 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.17638 of 2026

and

CRL.MP.Nos.11763 & 11765 of 2026

1. Akash Babu
2. Suresh Babu
3. Usha Rani

..Petitioner(s)

Vs.

1. The State rep by
The Inspector of Police,
T-14, Mangadu Police Station,
Avadi District, Chennai.
Crime No.493/2025

2. Kalyani

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records relating to the CC.No.948 of 2025 on the file of the Judicial Magistrate Court, Sriperumbudur, Kanchipuram District and quash the same as against the petitioners.



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For Petitioner(s): Mr.S.Vijayakumar

For Respondent(s): Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking to quash the entire proceedings in C.C.No.948 of 2025, on the file of the Judicial Magistrate Court, Sriperumbudur, Kanchipuram District.

2. The prayer sought in this criminal original petition is innocuous in nature, and as such, this petition is disposed of at the admission stage itself, without ordering notice to the second respondent.

3. A perusal of the final report dated 28.09.2025, reveals that the case was registered for alleged offences punishable under Sections 296(b), 115(2), 126(2), 118(1), 351(2) and 3(5) of BNS and Section 4 of the Prohibition of Harassment of Women Act, 2002. The gist of the allegation is that while maintenance and domestic violence proceedings were pending between the parties, the second respondent/de facto complainant (mother-



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in-law of the first petitioner) and the listed witness (wife of the first petitioner), visited the matrimonial home of the petitioners to collect personal belongings. At that juncture, it is alleged that the petitioners locked the doors, wrongfully restrained them and assaulted them, resulting in injuries. Consequently, a complaint was lodged, investigation was conducted and the charge sheet was filed.

4. The learned counsel appearing for the petitioners submitted that the entire spectrum of allegations is false. He further contended that since maintenance and domestic violence cases are already pending, there was no occasion or reason for the wife and her mother to visit the premises. The learned counsel further submitted that a false claim of a fractured right finger has been projected solely to foist a criminal case against the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent/police and perused the materials available on record.



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6. It may be true that the wife and her mother visited the petitioners' premises while matrimonial disputes were pending and without specific orders from a competent Court. Be that as it may, the defence raised by the petitioners that they never caused any injury to the de facto complaint and the case is entirely false, amounts to factual disputes. Therefore, this Court cannot adjudicate the same in the quash petition and the same must be established before the Trial Court through oral and documentary evidence during the course of the trial.

7. Accordingly, this Court is not inclined to quash the proceedings at this stage. Liberty is granted to the petitioners to raise all their legal and factual pleas before the Trial Court.

8. At this juncture, the learned counsel for the petitioners submitted that the petitioners would face severe hardship if mandated to attend every hearing before the Trial Court and prayed for dispensation of their personal appearance.



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9. Considering the facts and circumstances of the case and the hardship pleaded, the personal appearance of the petitioners before the Trial Court stands dispensed with. However, this dispensation is subject to the condition that the petitioners shall appear before the Trial Court as and when their presence is specifically insisted upon, or required for essential stages of the trial.

10. With the above observations and directions, this criminal original petition stands disposed of. Connected miscellaneous petitions are closed.

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Neutral Citation: No

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D.BHARATHA CHAKRAVARTHY,J.

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To

1.The Inspector of Police,
T-14, Mangadu Police Station,
Avadi District, Chennai.

2.The Judicial Magistrate,
Sriperumbudur, Kanchipuram District.

3.The Public Prosecutor,
High Court of Madras.

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