



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 20380 of 2026

and

CrI.MP.Nos. 13600 & 13602 of 2026

R.Balamurugan
S/o. Late. D.Ramasamy,
No.69, Keeramadaai,
P.K.Valasu Post, Enjampalli Village,
Modakkurichi Taluk,
Erode District-638104.

..Petitioner(s)

Vs

1. The State Rep. by, The Inspector of Police
Malayampalayam Police Station,
Erode District-638154.
2. Indumathi,
W/o. Loganathan,
Sellappagoundenvalasu Pirivu,
Elumathur Main Road, Veppili,
Erode District-638104.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the Charge Sheet/Final Report in CC.No.15 of 2026 pending on the file of the District Munsif cum Judicial Magistrate Court, Kodumudi related to Crime.No.6 of 2026 dt.13.01.2026 on the file of the 1st Respondent Police and quash the same as against the Petitioner and thus render justice.



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For Petitioner(s):

Mr.A.Praveen

For Respondent(s):

MR.M.MOHAMED RIYAZ
GOVERNMENT ADVOCATE
(CRIMINAL SIDE) for R1

ORDER

The prayer in the Criminal Original Petition is to quash the final report in C.C.No.15 of 2026 on the file of the District Munsif cum Judicial Magistrate Court, Kodumudi.

2. A perusal thereof, it can be seen that the de facto complainant has made allegations that she is working in a canteen and since she was moving friendly with the petitioner, taking advantage of the same, the petitioner started harassing her and also threatening her and, unless she behaves in the manner as desired by the petitioner, he will present the cheques and cause prosecution against the de facto complainant. As a matter of fact, apart from the de facto complainant, the other listed witnesses are also speaking about the incident. The sole ground on which the quash petition is filed is that the petitioner is an activist and he has filed writ petition for closing the school which was run without any proper permission. At the behest of the said school, the false complaint is lodged. It is stated that the de facto complainant is also running a canteen in the same school.



3. When the said fact is denied on behalf of the respondent side, even if it is the case that if the entire prosecution is vindictive in nature for the fact that the petitioner has filed writ petition, when the de facto complainant and the other witnesses have given statements, at this stage itself this Court cannot take it as an incontrovertible fact and quash the case. It will be very well open for the petitioner to cross-examine the relevant witnesses and establish before the Trial Court that the prosecution is nothing but an act of vengeance against him and therefore, finding the ground as factual in nature, the Criminal Original Petition cannot be entertained and as such is disposed of. Consequently, connected miscellaneous petition is closed.

4. At this juncture, the learned counsel for the petitioner pleads hardship for the petitioner to attend the Trial Court. Considering the same, the presence of the petitioner before the Trial Court, except for such hearings as may be insisted by the Trial Court shall stand dispensed with. Accordingly, CrI.MP.No.13602 of 2026 is ordered.

29-07-2026

Neutral Citation: No

KKN



D.BHARATHA CHAKRAVARTHY, J.

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To

1. The Inspector of Police,
Malayampalayam Police Station,
Erode District-638154.
2. The District Munsif cum Judicial Magistrate Court,
Kodumudi.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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