



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 21990 of 2026

and

Crl.M.P.No.14576 of 2026

Palanisamy
S/o. Late Krishnan,
40B, Kuttai Garden, Sedapalayam,
Naranapuram,
Palladam Taluk,
Tiruppur District,
Tamil Nadu-641 664.

..Petitioner(s)

Vs

1. State Rep by Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No.705 of 2025.
2. Rahul
S/o. Nagaraj,
No.1/175, Sadayankadu, Vellandipalayam,
Thekkalur, Tiruppur District.

..Respondent(s)

Prayer: Petition filed under Section 528 of BNSS, praying to call for the records in S.C.No.38 of 2026, on the file of the learned II Additional District and Session Judge, Tiruppur and Quash the same as against the petitioner.

For Petitioner(s):

Mr.G.R.Deepak

For Respondent(s):

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



ORDER

The prayer in the Criminal Original Petition is to quash the final report in S.C.No.38 of 2026, on the file of the learned II Additional District and Sessions Judge, Tiruppur.

2. Upon perusing the allegations in the First Information Report, the materials collected during the investigation and the final report, the offence is now taken cognizance for Sections 296(b) and 105 of BNS. The allegations are that the deceased side when they confronted the accused side as to why they are fencing the property without the survey being first done, it is stated that the accused hit him with hands and upon his falling down kicked by his legs, resulting in the death of the victim. The contentions of the learned counsel for the petitioner is that there is no independent witness except for the family members and even between the family members, most of them have not spoken anything about this petitioner. This petitioner was only present in the spot with a good intention to stop the fight. Unfortunately, his name is also mentioned as an accused.

3. Per contra, the learned Government Advocate (Crl. Side) would submit that the injured witness whom the petitioner is said to have slapped and the de-facto complainant have spoken about the role of this petitioner.



4. When these kind of scuffle which happen on the spot due to wordy quarrel what is the role played by each of the persons should not be determined in a forensic manner by conducting a mini trial in the quash stage. It will come out after the entire evidence is recorded and cross examination is done and thereafter, it is for the trial Court to consider the submissions made by the petitioner. These are not the contentions that can be taken as incontrovertibly true and the proceedings itself can be quashed. Therefore, keeping open the liberty of the petitioner to raise all these grounds before the trial Court, the Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

5. Considering the hardship that is pleaded, the presence of the petitioner before the trial Court shall stands dispensed with, except for the hearing that may be insisted upon by the trial Court on condition that for the hearings in which the petitioner is absent, he must be represented through counsel and they should co-operate for the further progress of the case.

07-08-2026

Neutral Citation: Yes/No

DP



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To

1. The II Additional District and Sessions Judge,
Tiruppur.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.

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