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CrI.O.P(MD)No.2073 of 2026

R.VIJAYAKUMAR,J.

The present petition was disposed of on 11.03.2026. It is listed today, under the caption for being mentioned at the request of the learned counsel appearing for the petitioner.

2.The learned counsel appearing for the petitioner submits that a direction may be issued for the trial of expeditious disposal of the case.

3.In view of the above said facts in paragraph No.9 of the said order, in the last sentence, it may be added that “on or before 30.04.2026.”

4.Registry is directed to make necessary correction and issue fresh order copy to the parties concerned.

13.03.2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 09.03.2026

ORDER PRONOUNCED ON : 11 .03.2026
CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl.OP(MD).No. 2073 of 2026
and
Crl.MP(MD).Nos.2336 & 2337 of 2026

Muthukumar

....Petitioner

Vs

1.The State of Tamil Nadu
Rep.by Inspector of Police
Nanguneri Police Station
Tirunelveli District
Crime No.274 of 2023

2.Murugan

....Respondents

Prayer:The Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita Act, 2023 to call for the records in C.C.No.38 of 2024 on the file of the Judicial Magistrate, Tirunelveli District and quash the charge sheet.

For Petitioner

: Mr.M.Karthikeyavenkatachalapathy
For Mr.G.Thalaimutharasu

For Respondents

: Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R1

:Mr.T.A.Ebenezer for R2



ORDER

WEB COPY The 1st accused in C.C.No.38 of 2024 on the file of the Judicial Magistrate, Nanguneri has filed the present petition seeking to quash the charge sheet wherein the petitioner has been charged with the offences under Sections 294(b), 323, 324 and 506(ii) I.P.C.

2.As per the case of the prosecution, the defacto complainant had married the daughter of the 2nd accused after having a love affair which was not accepted by the family members.

3.On 29.08.2023 at about 9.40 a.m, when the defacto complainant stopped his bike in front of his house, the 1st accused had picked up a quarrel and abused him with obscene words. The 2nd accused had also abused the defacto complainant that he had cheated her daughter and married her. Thereafter, the 1st accused is said to have used an aruval and attacked the defacto complainant on the back side of his head causing minor injuries. The 2nd accused is said to have attacked the defacto complainant with a stick causing minor injuries in the index finger and ring finger. Thereafter, the 1st accused is said to have handed over the aruval to the 2nd accused and later, attacked him with stick causing minor injuries in the left hand hip region.

4.According to the learned counsel appearing for the petitioner, no specific overtacts have been alleged as against the 1st accused. He had further submitted that it is highly dramatic to state that after using weapons, the 1st



accused is said to have handed over the same to the 2nd accused and later, picked up a stick to attack the defacto complainant. He had further submitted that none of the witnesses have spoken about the overtact of the petitioner. In case, if the injuries have been caused by an aruval, it would have been serious injuries. He had further stated that the said aruval has not been recovered. In such circumstances, it is clear that it is a false case foisted as against the 1st accused.

5.Per contra, the learned counsel appearing for the 2nd respondent submitted that the specific overtacts have been alleged as against the petitioner. He further stated that merely because of non-recovery of aruval, the case of the prosecution cannot be suspected or that could be a ground for quashing of the charge sheet. He further pointed out that the defence raised by the petitioner could only be subjected to trial and the same cannot be a ground for quashing of the charge sheet.

6.The learned Government Advocate (Crl.side) appearing for the 1st respondent had relied upon 161 Cr.P.C statement of the defacto complainant wherein he had specifically alleged about the overtacts of the petitioner. He also relied upon 161 Cr.P.C statement of the doctor who had spoken about the injuries. He also pointed 161 Cr.P.C statement of one Arulraj who had stated that aruval and the stick were thrown into forest area and therefore, the places of throwing the same could not be identified. Therefore, according to him, it



is not a case where there is no overtact as against the petitioner which would warrant quashing of the charge sheet.

7. Heard both sides and perused the material records.

8. The primary contention of the learned counsel for the petitioner is that the material object said to have been used by the accused persons had not been recovered and no specific overtacts have been alleged as against the accused persons especially against the 1st accused. He had further contended that it is highly dramatic to allege that after using aruval, the 1st accused had handed over the same to the 2nd accused.

9. The contention raised by the learned counsel appearing for the petitioner for quashing the charge sheet are completely factual in nature and they are subject matter of trial. The petitioner could not raise any legal grounds for quashing the charge sheet. When prima facie case is made out as against the petitioner, this Court is not inclined to entertain the present quash petition. However, the trial Court is directed to dispose of the criminal proceedings on its merits without being influenced by any one of the observations made by this Court.



10. With the above said observations, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

11-03-2026

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

1. The Judicial Magistrate,
Nanguneri, Tirunelveli District

2. The Inspector of Police
Nanguneri Police Station
Tirunelveli District
Crime No.274 of 2023

3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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