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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2026

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

CRL.O.P(MD)No.6873 of 2026

and

CRL.M.P(MD)Nos.7414 and 7416 of 2026

1..Stephen

2.T.Stella

3..Chandru

... Petitioner/ Accused No. 4 to 6

.Vs.

1.The State,

represented by the Inspector of Police,

V.k.Pudur Police Station,

Tenkasi District.

(Crime No.137 of 2022). ...Respondent No.1/ Complainant

2.S.Prabhakaran

... Respondent No.2/De-facto
complainant

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, praying this Court to call for the records pertaining to the impugned charge sheet in S.T.C.No.260 of 2023, on the file of Judicial Magistrate Court, Tenkasi District in Crime No.137 of 2022, dated 6.10.2022 under Section 160 of IPC(Corresponding offence under Section 194 of BNSS), on the file of first respondent

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and quash the same as illegal insofar as the petitioners/Accused No.4 to 6.

For Petitioners : Mr.I.Pinaygash

For Respondent-1 :Mr.R.Meenakshi Sundaram
Addl.Public Prosecutor

ORDER

The present petition has been filed by A4 to A6 in S.T.C.No. 260 of 2023, on the file of Judicial Magistrate Court, Tenkasi District seeking to quash the charge sheet, wherein, the Petitioners have been charge sheeted for the offence under Section 160 of IPC.

2.A perusal of the charge sheet reveals that due to personal enmity, two sets of accused persons have assembled at 10.30 p.m On 01.10.2022 near a ration shop and they were abusing and attacking each other which caused disturbance to the general public as well as the public transport.

3.According to the learned counsel for the Petitioners, three ingredients contemplated under Section 160 of IPC have not been satisfied ie., fighting between two or more people, fighting in a public place, fighting resulted in public disturbance. According to the learned counsel for the Petitioners, at 10.30 p.m., in a remote



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village, due to this fighting there is no disturbance to the general public or to the public transport.

4.As could be seen from the records that two set of people who are relatives, due to personal enmity arising out of family function said to have abused and attacked in public place at 10.30 p.m. Considering the nature of the place being a remote village, there is no possibility of causing any disturbance to the general public or to the public transport at night hours. Therefore the ingredients of Section 160 of IPC does not get attracted. Therefore the Continuation of criminal prosecution would result only in abuse of process of law.

5.In view of the above said facts, the charge sheet in S.T.C.No.260 of 2023, on the file of Judicial Magistrate Court, Tenkasi District stands quashed insofar as the Petitioners are concerned and the Criminal Original Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed.

08.04.2026

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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To

- 1.The Judicial Magistrate,
Tenkasi District.
- 2.The Inspector of Police,
V.k.Pudur Police Station,
Tenkasi District.
(Crime No.137 of 2022.

Copy to

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

R.VIJAYAKUMAR.,J.

vsn



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ORDER MADE IN
CRL.O.P(MD)No.6873 of 2026
and
CRL.M.P(MD)Nos.7414 and 7416 of 2026

08.04.2026