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Crl.O.P.No.3498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.3498 of 2024

and

Crl.M.P.No.2589 of 2024

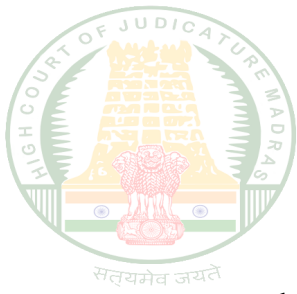
1. Adhimathiyannur Selvaraj
2. Vanmathi Sait
3. Nazar
4. Ravi @ Karuppusami
5. Dhanasekaran
6. Sunil Kumar
7. Vijayalakshmi
8. Muthusamy
9. Maruthachalam

... Petitioners

..VS..

1. State represented by
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District,
Crime No.51 of 2024.
2. R.Amudha
Commissioner,
Mettupalayam Municipality,
Coimbatore.

... Respondents



Crl.O.P.No.3498 of 2024

Criminal Original Petition filed under Section 482 Cr.P.C., to quash the FIR in Crime No.51 of 2024 pending on the file of the first respondent Police.

For Petitioners : Mr.M.Mohamed Riyaz
For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)
for R1
Mr.R.Karthikeyan for R2

ORDER

The Criminal Original Petition is filed to quash the FIR in Crime No.51 of 2024 pending on the file of the first respondent-Police.

2. The case of the prosecution as per the *de-facto* complainant is that on 23.01.2024 at around 12.00 p.m., when the Mettupalayam Municipality Commissioner and Municipal Engineer were discussing regarding Street Lights with the Municipal Administrative Commissioner, Chennai, through video-conferencing, at that time, the petitioners and others came to the office of the second respondent/*de-facto* complainant and sought particulars regarding certain works. At that time, the first petitioner and others scolded the second respondent and



Crl.O.P.No.3498 of 2024

such commotion prevented the second respondent and other officials from performing their official work. Therefore, the second respondent lodged a complaint against the petitioners and subsequently, a case in Crime No.51 of 2024 was also registered against the petitioners for the offences punishable under Sections 147, 294(b) and 353 IPC and Section 4 of Prohibition of Harassment of Woman Act.

3. Learned counsel for the petitioners submitted that the first petitioner is an elected member of the Legislative Assembly for Mettupalayam Constituency and after obtaining prior permission from the second respondent-*de-facto* complainant, the petitioners visited the office of the second respondent only to ascertain about the stage of proposed public works in their Constituency. There is absolutely no word uttered or unlawful assembly formed or assault or criminal force by the petitioners as per the prosecution. However, the second respondent has lodged a false complaint against the petitioners, due to the pressure of the opposition party.

4. Learned counsel for the petitioners further submitted that the



Crl.O.P.No.3498 of 2024

case of the prosecution does not attract the ingredients to prosecute the matter under Sections 294(b), 147 and 353 IPC and Section 4 of Prohibition of Harassment of Woman Act against the petitioners. *Prima facie* there are no iota of materials available against the petitioners to register the FIR for the alleged offences. Learned counsel further submitted that, when the prosecution does not make out any case against the petitioners for physical assault, or specific verbal abuse or modesty of woman, naturally the FIR has to be quashed as per the dictum laid down by Hon'ble Supreme Court.

5. In support of his contentions, the learned counsel for the petitioners relied upon the following judgments of the Honb'ble Apex Court :

(i) Naresh Aneja @ Naresh Kumar Aneja Vs. State of Uttar Pradesh and Another [Criminal Appeal No..... of 2025 (arising out of Special Leave Petition (Crl.) No.1093 of 2021)] dated 02.01.2025

(ii) K.Jayaramanuju Vs. Janakaraj and Others (CDJ 1996 MHC 397)

(iii) K.Dhananjay Vs. Cabinet Secretary & Others



WEB COPY



Crl.O.P.No.3498 of 2024

(Criminal Appeal No..... of 2024 (arising out of Special Leave Petition (Crl.) No.5905 of 2022)

(iv) B.N.John Vs. State of U.P and Another [Criminal Appeal No..... of 2025 (arising out of Special Leave Petition (Crl.) No.2184 of 2024)] and

(v) Mahmood Ali & Others Vs. State of U.P. & Others reported in (2023 Live Law (SC) 613).

6. Learned Government Advocate (Crl.Side) appearing for the first respondent-Police submitted that based on the complaint given by the Commissioner of Corporation / second respondent herein, the first respondent-Police registered a case in Crime No.51 of 2024 against the petitioners for the offences punishable under Sections 294(b), 147 and 353 IPC and Section 4 of Prohibition of Harassment of Woman Act. He further submitted that while recording statement of the *de-facto* complainant under Section 161 Cr.P.C., she has clearly narrated about the alleged occurrence.

7. Learned counsel appearing for the second respondent/*de-facto* complainant submitted that the decisions referred to by the learned counsel for the petitioners, are not applicable to the facts of the present case on hand and therefore, the present petition may be dismissed.



Crl.O.P.No.3498 of 2024

WEB COPY

8. Heard the learned counsel on either side and perused the materials available on record.

9. Admittedly, based on the complaint given by the *de-facto* complainant, who is holding the post of Commissioner of Mettupalayam Municipality, Coimbatore, the first respondent-Police registered a case in Crime No.51 of 2024 as against the petitioners. The complaint/FIR is not an "Encyclopedia", and it need not contain all facts and it is only the first information to set the law in motion, but whereas the complaint has to be given, if it is a criminal offence made out and based on that, the Police have to register the case and investigate the matter. No doubt, after investigation, at the time of filing the final report, the Police will form an opinion about the offences committed by the petitioners. In the case on hand, after registering the FIR, the petitioners moved this Court and sought a direction to quash the FIR. This Court, *vide* order dated 16.02.2024 granted interim stay. Therefore, the investigating officers are not in a position to continue the investigation.

10. As per the prosecution the first petitioner, who is the



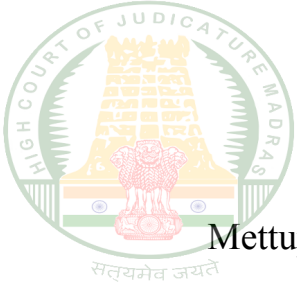
CrI.O.P.No.3498 of 2024

responsible member of the Legislative Assembly and the other petitioners, who are the members of the A.I.A.D.M.K party have behaved with the Public Officer in a improper manner. However, all these things would reveal after completion of investigation and it is now premature to express that the petitioners have committed the offences.

11. However, on a reading of the complaint and FIR and also the statement of witnesses, this Court finds that *prima facie*, there are materials against the petitioners to proceed with the case further. There is no quarrel with the settled proposition of law laid down by the Hon'ble Supreme Court. However, the decisions referred to by the learned counsel for the petitioners are not applicable to the present case on hand.

12. In view of the above, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed. It is open to the petitioners to work out their remedy in the manner known to law, after filing charge sheet, if they are so advised.

13. At this juncture, the learned counsel for the petitioners submitted that the first petitioner is the elected member of the Legislative Assembly and this Court may permit him to visit the office of the



Crl.O.P.No.3498 of 2024

Mettupalayam Municipality, to ascertain about the proposed projects.

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The first petitioner can visit the Mettupalayam Municipality, Coimbatore, after obtaining prior permission from the Commissioner of Mettupalayam Municipality, Coimbatore.

04.07.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.



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CrI.O.P.No.3498 of 2024

P.VELMURUGAN, J

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CrI.O.P.No.3498 of 2024

04.07.2025