



Crl.O.P.No.7101 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7101 of 2025

and

Crl.M.P.No.4528 of 2025

1.N.Prabakaran

2.S.Sakthi

.... Petitioners

Vs

1.State rep. by its
The Inspector of Police,
Pallapatty Police Station,
Salem – 636 004.

2.B.Gayathri

.... Respondents

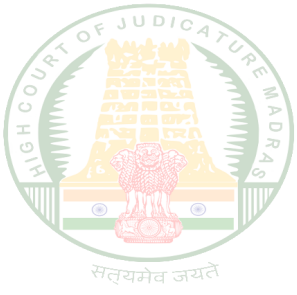
PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and quash the FIR No.1297 of 2024 on the file of the first respondent police herein.

For Petitioners : Mr.T.Karunakaran

For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

For R2 : Mr.V.Vadivalagaia Nambi

ORDER

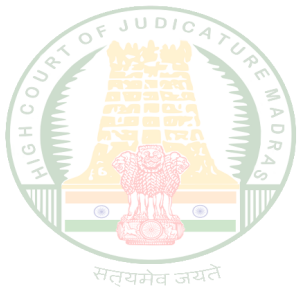


Crl.O.P.No.7101 of 2025

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.1297 of 2024 on the file of the first respondent, for the offences under Sections 296(b) and 351 (2) of Bharatiya Nyaya Sanhita, 2023.

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

3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.1297 of 2024 for the offences punishable under Sections 296(b) and 351 (2) of Bharatiya Nyaya Sanhita, 2023. It is alleged that the second petitioner is a tenant in the premises owned by the second respondent. The first petitioner is the counsel, who is appearing on behalf of the second respondent in the suit filed by the second petitioner, in O.S.No.572 of 2023 on the file of the I Additional District Munsif, Salem. While being so, on 09.07.2024, the petitioners alleged to have come to the house of the second respondent, abused her verbally and threatened her with dire consequences. Hence, the case was registered.



Crl.O.P.No.7101 of 2025

4. The learned Government Advocate (Crl.Side) appearing

for the first respondent submitted that, after completion of the investigation, a final report has been filed before the concerned Judicial Magistrate.

5. A perusal of the records reveals that the first petitioner is an Advocate representing the second petitioner. Though the second respondent has made allegations that they had illegal intimacy, the alleged incident is said to have occurred on 09.07.2024, whereas, the present complaint has been lodged only on 15.11.2024. There is absolutely no explanation for the huge delay in lodging the complaint. It appears to be a clear counter blast to the suit filed by the second petitioner in O.S.No.572 of 2023 on the file of the I Additional District Munsif, Salem, seeking an injunction against eviction without due process of law. Therefore, the FIR registered in Crime No.1297 of 2024 is nothing but a clear abuse of the process of law. Accordingly, the FIR and the consequent proceedings cannot be sustained and are liable to be quashed.

6. In view of the above, the FIR registered in Crime



Crl.O.P.No.7101 of 2025

No.1297 of 2024 on the file of the first respondent and the consequent proceedings, including the final report, if any, are hereby quashed.

Accordingly, this Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

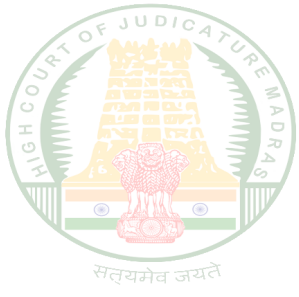
09.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp
To

1.The Inspector of Police,
Pallapatty Police Station,
Salem – 636 004.

2.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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Crl.O.P.No.7101 of 2025

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Crl.O.P.No.7101 of 2025

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