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Crl.O.P.No.13926 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.13926 of 2025 &
Crl.M.P.Nos.9319 & 9325 of 2025

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1.Nanmathimaran
2.Vinayagam

.. Petitioners

Vs.

1.State Rep. by
The Inspector of Police,
Perunagar Police Station,
Kanchipuram District.
(Crime No.241 of 2024).

2.Selvarajan

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to C.C.No.28 of 2025, on the file of the District Munsif Cum Judicial Magistrate, at Uthiramerur and quash the same.

For petitioners : Mr.M.Rajkumar

For respondent : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)



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ORDER

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This Criminal Original Petition is filed to quash the proceedings in C.C.No.28 of 2025 pending on the file of the learned District Munsif-cum-Judicial Magistrate, Uthiramerur, arising out of Crime No.241 of 2024 registered by the first respondent police for the alleged offences under Sections 126(2), 296(b), 115(2), 118(1), 329(3), and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the petitioners is that there is already a civil suit in O.S.No.312 of 2023 pending before the Additional Sessions Court, Kanchipuram, between the second petitioner's wife, Malliga, and the second respondent, relating to 4 acres of ancestral property situated in Manamathi Village. According to the complaint, on 22.11.2024, the petitioners tried to put up fencing on the disputed land, and the second respondent objected. A quarrel took place, and it is alleged that the petitioners assaulted and threatened him. Hence, the second respondent filed a police complaint the next day, which led to the present FIR and charges. According to the petitioners, the dispute is purely civil in nature and that the criminal proceedings have been initiated only as a pressure tactic to force a withdrawal of the civil suit filed by Malliga.



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3. The learned counsel for the petitioners would submit that the involvement of the petitioners in the alleged offences is fabricated and motivated. It is contended that the first petitioner is a Village Administrative Officer at Kundrathur and that the second petitioner is a 71 year old senior citizen. The final report filed by the police is based only on hearsay witnesses, and there is no medical evidence to substantiate the alleged injuries. It is further pointed out that there was an unexplained delay in lodging the complaint.

4. On the other hand, the learned Government Advocate (Criminal Side) would submit that the investigation was properly conducted and that the statements of witnesses reveal the prima facie involvement of the petitioners. Based on the materials collected, a charge sheet has been filed before the competent court and therefore, this Court ought not to exercise its inherent jurisdiction to quash the proceedings.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) and perused the materials placed on record.

6. On a perusal of the complaint and the statements recorded during the investigation, this Court is of the view that the allegations made by the second



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respondent, though arising out of a civil dispute, do disclose certain overt acts attributed to the petitioners, including assault and criminal intimidation. Whether these allegations are true or exaggerated, and whether they were made as a counterblast to the pending civil suit, are matters to be tested only during trial. At this stage, this Court is not inclined to enter into a meticulous appreciation of the evidence or the veracity of the witnesses. It is well settled that the power under Section 482 CrPC should be exercised sparingly and with great caution, particularly where disputed questions of fact are involved. The materials on record disclose prima facie allegations which warrant a full-fledged trial. The grounds raised by the petitioners pertain to their defence and cannot be considered at the pre-trial stage.

7. Accordingly, this Criminal Original Petition stands dismissed. However, considering the age of the second petitioner, who is aged about 71 years, his personal appearance before the trial Court is hereby dispensed with. However, the second petitioner shall appear as and when specifically directed by the trial Court. Consequently, connected miscellaneous petitions are closed.

03.06.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

- 1.The Inspector of Police,
Perunagar Police Station,
Kanchipuram District.
(Crime No.241 of 2024).
2. The District Munsif Cum Judicial Magistrate,
at Uthiramerur.
3. The Public Prosecutor, Madras High Court, Chennai.



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P.VELMURUGAN, J

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