



Crl.O.P.No.18953 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

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CORAM
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.18953 of 2025

and

Crl.M.P.No.12897 of 2025

Nirmala Samuel

... Petitioner

Vs.

1. The State

Rep. by Inspector of Police
Gobichettipalayam
Erode - 638 001

2. Periyasamy

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to quash the FIR No.107 of 2024 dated 23.02.2024 on the file of 1st respondent police, Gobichettipalayam Police Station, Erode.

For Petitioner

: Mr.M.K.Kabir
Senior Advocate
for M/s.M.Rajalakshmi @ Sathya

For First Respondent

: Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

WEB COPY The Criminal Original Petition has been filed by the petitioner/accused to quash the FIR No.107 of 2024 dated 23.02.2024 on the file of 1st respondent police.

2. The case of the petitioner is that the petitioner is running a lodge in the name and style of Nirmal Cottage at Gobichettipalayam for the last 20 years and enjoying enviable reputation in the market. While so, one Periyasamy, lodged a complaint alleging that while he was proceeding near Nirmal Cottage, one Thirumal Raj who was standing out of the petitioner's lodge acted as a tout/pimp induced him stating that one Ponmarish is doing prosecution with girls for Rs.1000/- he can spend time, and took him to Nirmal Cottage wherein another tout Ponmarish/A2 who showed some girls in a room demanded Rs.500/- and the defacto complainant under the guise of taking cash from ATM, came out and lodged a complaint against the said persons and also against the owner of the Nirmal cottage. Based on which, the Police party along with the complainant came to the lodge wherein the complainant identified the said Thirumalraj and Ponmarish and also secured two girl who have stated to the police that the said Ponmari under the guise of arranging



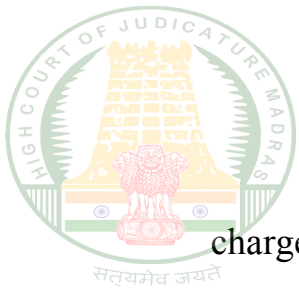
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maid jobs, detained them in the lodge to engage them in prosecution.

Based on which, the respondent police registered the FIR in Crime No.107 of 2024 against the said Thirumalraj, Ponmarish and the owner of Nirmal Cottage. Hence, the present petition is filed to quash the FIR.

3. The contention of the petitioner is that the petitioner is totally unaware of the identity of the complainant and also the said Thirumalraj and Ponmarish and it is not the case that the petitioner involved in the said act or she hired out the rooms for the commission of offences for immoral trafficking.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the investigation was already over and the charge sheet has also been filed through e-filing on 31.08.2024 before the Judicial Magistrate No.1, Gobichettipalayam and therefore, this petition has become infructuous, for which, the learned counsel for the petitioner submitted that mere filing of the charge sheet will not take away the right of the petitioner seeking quashing of FIR when the FIR does not contain prima facie allegations or overt-act against the petitioner. Even in the FIR, the petitioner's name has not been mentioned. Hence, the FIR is libale to be quashed and mere filing of the



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charge sheet is not a ground to dismiss the present petition.

WEB COPY 5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is a specific overt act against the petitioner and that two of the victims were examined and statements have also been recorded from them and they have clearly spoken about the specific overt-act of the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) and also perused the materials available on record.

7. Since no adverse order is being passed against the second respondent, notice to the second respondent is dispensed with.

8. A reading of the material and also the statements shows prima facie allegations against the petitioner. Further, the investigation was already over and the charge sheet has also been filed. Therefore, the petitioner is not entitled to the relief as sought for. The grounds taken by the petitioner are nothing but defence which can be agitated only during trial and not at this stage.

9. Therefore, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.



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10. However, the petitioner is at liberty to work out her remedy in the manner known to law.

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. Inspector of Police
Gobichettipalayam
Erode - 638 001

2. The Public Prosecutor
High Court of Madras, Chennai



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P.VELMURUGAN, J

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