



Crl.O.P.No.20407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No. 20407 of 2025

and

Crl.M.P.Nos.14103 and 14106 of 2025

1. T.Kumar
 2. B.G.Jaisingh
- ... Petitioners

Vs.

1. The State of Tamil Nadu
Rep.by Inspector of Police (L&O),
V-7, Nolambur Police Station,
Nolambur, Chennai – 600 037.
 2. S.Mohamed Abbas
- ... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records in Charge Sheet in C.C.No.161 of 2025 on the file of the Judicial Magistrate, Ambattur, Chennai and quash the same as illegal and improper.

For Petitioners : Mr.K.Bhasker

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1



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ORDER

WEB COPY The Criminal Original Petition is filed to quash the Charge Sheet in C.C.No.161 of 2025 on the file of the Judicial Magistrate Court, Ambattur, Chennai.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

3. Since no adverse order is passed as against 2nd respondent, notice to 2nd respondent is hereby dispensed with.

4. According to the petitioners, the petitioners herein and the second respondent herein/*de-facto* complainant are residing in the same apartments viz., "Vajra Apartments". The *de-facto* complainant had formed an unregistered association and misappropriated the funds of association. When the same was questioned by the petitioners, the *de-facto* complainant developed grudges against them and that the *de-facto* complainant had made derogatory remarks against the petitioners in the whatsapp group. On 06.12.2024, in response to the derogatory remarks made by the *de-facto* complainant, a counter message was made by the



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second petitioner, which in turn, forwarded by the first petitioner in the group. Due to quarrel arose between the parties, a complaint and counter complaint were lodged before the first respondent-Police.

5. It is the contention of the learned counsel for the petitioners that the first respondent-Police without any basis has refused to registered the complaint of the first petitioner, which is still pending at the CSR stage itself and appreciated the *de-facto* complainant's complaint and registered the F.I.R in Crime No.469 of 2024 against the petitioners herein for the offences punishable under Sections 115(2), 118(1), 356(2) and 351(2) of BNS, 2023 and conducted the investigation on the very same day and filed the charge sheet before the Judicial Magistrate Court, Ambattur, Chennai in C.C.No.161 of 2025 on 21.01.2025.

6. It is the further contention of the petitioners that the petitioners have been falsely implicated in the alleged offences and arrayed as A1 and A2 in C.C.No.161 of 2025. There are absolutely no details about the alleged incident in the complaint, and there are no incriminating materials against the petitioners and the first respondent-Police without conducting a proper investigation filed the charge-sheet against the



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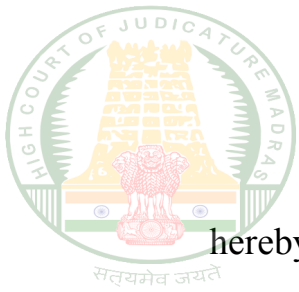
petitioners and hence, the same may be quashed.

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7. It is seen from the records that there was a complaint and counter complaint lodged before the first respondent-Police. The complaint of the *de-facto* complainant was registered and after investigation, charge sheet was filed before the Court below. However, as on date, petitioner's complaint was either registered or CSR was closed after enquiry and the same is still pending at the CSR stage, which clearly shows that the respondents-Police have not conducted the investigation in a free and fair manner.

8. Considering the facts and circumstances, this Court is of the view that the first respondent-Police had not conducted the free and fair investigation on the complaints of the petitioners and *de-facto* complainant and hence the Charge Sheet in C.C.No.161 of 2025 on the file of the Judicial Magistrate Court, Ambattur, Chennai, is liable to be quashed and accordingly, quashed. Therefore, the first respondent-Police, is hereby directed to transfer the complaint and counter complaint filed by the petitioners and the *de-facto* complainant, to the file of the Inspector of Police, J.J.Nagar Police Station, Chennai, forthwith.

9. The Inspector of Police, J.J.Nagar Police Station, Chennai, is



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hereby directed to take both the complaints on file and also conduct enquiry/investigation as the case may be and registered the case and proceed with the complaints in accordance with law. After proper investigation, the Inspector of Police, J.J.Nagar Police Station shall file a charge sheet within a period of three months from the date of receipt of file from the first respondent-Police, if any *prima facie* case is made out. In case, there is no *prima facie* materials, file a closure report before the jurisdictional Court. The Deputy Commissioner of Police, Anna Nagar, Chennai, is directed to monitor the investigation of the Inspector of Police, J.J.Nagar, Chennai.

10. With the above directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

21.07.2025

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

1. The Judicial Magistrate,
Ambattur, Chennai.
2. The Inspector of Police (L&O),
V-7, Nolambur Police Station,
Nolambur, Chennai – 600 037.
3. The Inspector of Police,
J.J.Nagar Police Station,
Chennai.
4. The Deputy Commissioner of Police,
Anna Nagar, Chennai.
5. The Public Prosecutor,
High Court, Madras.



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