



Crl.O.P.No.23230 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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- 1.P.Arjunan @ Kavibarathi
- 2.Santha Kavibarathi
- 3.Vidhya
- 4.Suba
- 5.Basuwan
- 6.Thagoor
- 7.Bakthavachalam
- 8.Balaji
- 9.Sathiriyam

... Petitioners

Vs.

- 1.The Sub-Inspector of Police,
Marakkanam Police Station,
Villupuram District.

- 2.Bakkiyam

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita to quash the FIR in Crime No.858 of 2024 dated
02.12.2024 registered at Marakkanam Police Station, Villupuram District.



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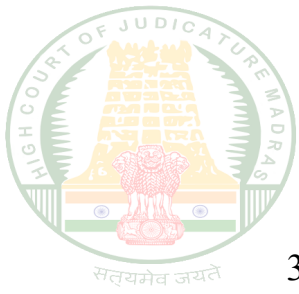
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For Petitioner : M/s.V.Srimathi
For R1 : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.858 of 2024 on the file of the Marakkanam Police Station, Villupuram District.

2.It is the case of the *de facto* complainant that, on 01.12.2024 at around 08.00 p.m., a group of 20 persons came to the house of the *de facto* complainant and assaulted the sons of the *de facto* complainant with knife, iron rod and wooden stick and caused injuries all over the body and abused them with filthy language and threatened them of dire consequences. Therefore, she lodged a complaint before the 1st respondent Police. Based on the complaint, the present FIR came to be registered in Crime No.858 of 2024 for the offences under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) BNS as against 23 accused persons. Challenging the FIR, the present Criminal Original Petition has been filed by A12 to A20.



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3.The FIR has been sought to be quashed on the ground that there is no details about the petitioners herein and that there is no specific overt act as against the petitioners. It is the contention of the petitioners that the civil suit filed by the *de facto* complainant for bare injunction as against the 2nd petitioner was rejected in I.A.No.36 of 2014 by the learned Principal Sub-Judge, Tindivanam. Therefore, out of personal grudge, the petitioners have been falsely implicated in the criminal case. Further, it is the contention of the petitioners that these petitioners were not present in the place at the time of occurrence. It is their contention that they were present at Chennai at that time.

4.It is relevant to note that the names of all the 23 accused persons, including the petitioners, have been shown in the FIR. The FIR itself indicates that the *de facto* complainant and others have sustained injuries. There are allegations as to the nature of injuries sustained by the *de facto* complainant and her sons. Further, the petitioners have taken a plea of alibi. All these facts cannot be gone into at this stage in a petition under Section 528 BNSS. If a persons sets up a plea of alibi, the same has to be established in the process of trial by adducing evidence. This Court,



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exercising its jurisdiction under Section 528 BNSS, cannot conduct a roving enquiry or mini trial as held by the Hon'ble Supreme Court in ***Gunmala Sales Private Limited v. Anu Mehta and others*** reported in ***(2015) 1 SCC 103***. When there are allegations that physical injuries have been caused and the names of the petitioners have also been shown in the FIR as accused, this Court is not inclined to quash the FIR at this stage.

5. Accordingly, I do not find any merit in this petition. Therefore, this Criminal Original Petition is dismissed.

21.08.2025

mkn

Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Sub-Inspector of Police,
Marakkanam Police Station,
Villupuram District.

2. The Public Prosecutor,
High Court, Madras.

N. SATHISH KUMAR, J.



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