



CRL.OP(MD) NO.461 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.461 of 2025

and

CRL. MP(MD) No.303 of 2025

1.Sundaram @ Sudha
2.Manikandan

... Petitioners/Accused Nos.1 & 2

vs.

1.State of Tamil Nadu
rep. by the Sub Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.
(Cr.No.613 of 2024)

2.Umathangam

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the First Information Report in Crime No.613 of 2024 dated 05.11.2024 on the file of the first respondent police and quash the same as illegal.

For petitioners

: Mr.Sivabalan
for Mr.R.Venkatesalu



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For Respondents

: Mr. R.M.Anbunithi

Additional Public Prosecutor for R1

ORDER

This petition has been filed by the petitioners to quash the First Information Report in Cr.No.613 of 2024, dated 05.11.2024 on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioners and they are no way connected with the alleged offences. Further, he would submit that no specific allegation has been attributed against the petitioners and there is no ingredients to constitute the offences under Sections 329(4), 296(b), 115(2), 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Due to family dispute, the false case has been foisted against the petitioners. Therefore, the pending First Information Report is liable to be quashed.

3. The learned Additional Public Prosecutor for the first respondent



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police would submit that based on the complaint given by the defacto complainant/second respondent, the case was registered in Cr.No.613 of 2024, dated 05.11.2024 for the offences punishable under Sections 329(4), 296(b), 115(2), 351(3) of BNS and Section 3 of TNPPDL Act, 1992 and Section 4 of TNPHW Act, 2002 and the case is under investigation and they will file Final Report within short period.

4. This Court has perused the entire papers and perused the First Information Report.

5. It is seen that there are so many allegations levelled against the accused. Those allegations constituted offences and thereby, it needs elaborate investigation and the same is not yet completed. Therefore, at this stage, this Court cannot curtail the investigation of the first respondent police. The petitioners have to wait till filing of the Final Report and if there is any adverse materials available as against the petitioners, they are at liberty to challenge the Final Report in the manner known to law.

6. In view of the abovesaid discussion, this Court is of the opinion



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that there is no merit in this petition and hence, this petition is liable to be dismissed.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petition is closed.

05.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1.The Sub Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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