



Crl.OP(MD)No.1258 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.1258 of 2024

P.Dinesh

... Petitioner/ A1

Vs.

1.State through
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Crime NO.521 /2022

2.B.Manthiramoothi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Crime No.521 of 2022 on the file of Palayamkottai Police Station, Tirunelveli City and quash the same as against the petitioner /1st accused herein.

For Petitioner	: Mr.G.Dhanaseeli
For R-1	: Mr.M.Sakthi Kumar, Government Advocate (Crl. Side)
For R2	: No appearance



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ORDER

Seeking to quash the First Information Report in Crime No.521 of 2022 on the file of Palayamkottai Poilce Station, Tirunelveli City, this original petition has been filed.

2. The petitioner is the first accused in Crime No.521 of 2022, which has been registered for the offence under Section 436 IPC based on the complaint given by the second respondent, who is the Clerk of TT-71, Tirunelveli-Thoothukudi District Government Teachers and Education Staff Co-operative Credit Society, Vannarapettai. The petitioner is working as Office Assistant in the aforesaid society.

3. The case of the prosecution is that on 29.08.2022 at about 01.40 am., the defacto complainant had received a phone call from mobile No.8072584495, which belong to the petitioner/A1. On receipt of the said phone call, the defacto complainant had proceeded to the office of the said society and came to know that certain documents has



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been set on fire, following which, he had lodged a complaint against one Prabhakaran and petitioner herein, for which, FIR in Crime No.521 of 2022 came to be registered by the first respondent. The very bone of contention set out in the FIR itself is based solely on suspicion.

4. The learned counsel categorically contended that the offence under Section 436 IPC is not made out, as the place in question is neither a dwelling house nor a place of worship nor a place used for the custody of property. He further submitted that the entire narrative is founded on mere suspicion and, therefore, prayed that the FIR be quashed.

5. Per contra, the learned Government Advocate (Criminal Side) submitted that a plain reading of the provisions of Section 436 IPC would make it clear that certain documents were set on fire in a Government office, which would clearly fall within the category of a place used for the custody of property. It was further contended that the



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fire was suspected to have been set by the offenders with the specific intent of destroying certain documents, which constituted material evidence in connection with disciplinary proceedings, which has already been initiated against one Prabhakaran in the aforesaid Society. At this juncture, the learned counsel for the petitioner promptly intervened to submit that the narrative set forth in the FIR itself discloses the existence of prior enmity between Dinesh and Prabakaran. In such circumstances, the allegation that Dinesh would have set fire in favour of Prabakaran in a pending disciplinary proceeding is unsustainable and wholly improbable.

6. Further, the learned Government Advocate (Criminal Side) contended that when the de facto complainant himself received information from the petitioner at around 1:40 a.m., naturally suspicion could arise. He submitted that this is only a preliminary stage of investigation, and only an FIR has been registered; an FIR is not an encyclopedia. The truth would emerge only after a full-fledged



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investigation, and if the petitioner is found to be innocent, he would automatically be deleted from the final report.

7. I find force in the contention of the learned counsel for the petitioner. Accordingly, the Investigating Officer is directed to keep in mind that the possibility of implicating Dinesh appears minimal, as contended by the learned counsel for the petitioner, and if he is found to be innocent, he shall be deleted from the case during the course of investigation.

8. With the above observation, this Criminal Original Petition is disposed of.

11.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk



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To

- 1.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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