



CRL.O.P.(MD) NO.1973 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P.(MD) No.1973 of 2025

and

CRL. M.P.(MD)No.1351 of 2025

V.Ganesan

... Petitioner/Accused No.4

vs.

1.State of Tamil Nadu
rep. by the Inspector of Police,
Koodal Pudur Police Station,
Madurai city.
(Cr.No.422 of 2024)

2.S.Nagalingam

... 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.422 of 2024 on the file of the first respondent police and quash the same as against the petitioner.



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For petitioner : Ms.S.Vedavalli
For Respondents :Mr.K.Sakthi Kumar,
Government Advocate (Crl) for R1

ORDER

This petition has been filed by the petitioner to quash the First Information Report in Crime No.422 of 2024 on the file of the first respondent police.

2. According to the petitioner, the first respondent police registered a false case against the petitioner in Cr.No.422 of 2024, for the offences under Sections 3(2)(a), 4(2)(c), 5(1)(a) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956 and 143 of Bharatiya Nyaya Sanhita, 2023. In fact, the defacto complainant is an advocate and there is money transaction between the accused Nos.3 and 4 with the defacto complainant. Hence, false complaint has been foisted against the petitioner.

3. The learned counsel for the petitioner would submit that the defacto complainant is advocate in profession and there was a financial transaction between A3 and A4. On 05.08.2024, the petitioner went to the house of the A3. At that time, A1 to A3 were standing in the entrance of his house. While so, the police implicated this petitioner along with other



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accused. The petitioner does not know about the other accused and even according to the FIR, there are no ingredients to constitute the offences to make out the case against this petitioner. Therefore, the pending FIR is liable to be quashed.

4. The learned Government Advocate (Crl) for the first respondent police would submit that in this case, based on the complaint given by the second respondent, registered the case in Crime No.422 of 2024, for the offences under Sections 3(2)(a), 4(2)(c), 5(1)(a) and 5(1)(d) of Immoral Traffic (Prevention) Act, 1956 & 143 of Bharatiya Nyaya Sanhita, 2023. Thereafter, they conducted investigation and filed Final Report. The Trial Court has taken cognizance based on the Final Report. Therefore, at this stage, the petition is liable to be dismissed.

5. This Court heard both sides and perused the records.

6. This petition is filed to quash the FIR. But, already the first respondent police conducted investigation and filed Final Report. As per the averments of the FIR and the complaint, there are some allegations to constitute the offences. Therefore, it is for the petitioner to challenge the



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Final Report, if it is adverse against the petitioner. Therefore, at this stage, this Court cannot consider the petition to quash the FIR.

7. With the above observations, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

06.02.2025

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

To

1.The Inspector of Police,
Koodal Pudur Police Station,
Madurai city.

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



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P.DHANABAL,J

apd

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