



CRL.O.P.(MD) NO.1962 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.1962 of 2025

and

CRL. M.P.(MD)No.1337 of 2025

Malayarasan

... Petitioner/Sole accused

vs.

1.State of Tamil Nadu
rep. by the Inspector of Police,
Devarkulam Police Station,
Tirunelveli.
(Cr.No.519 of 2024)

2.Packiyalakshmi.

... 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.519 of 2024 dated 26.11.2024 on the file of the first respondent police and quash the same as against the petitioner.



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For petitioner : Ms.M.Maria Vinola
For Respondents :Mr.K.Sakthi Kumar,
Government Advocate (Crl) for R1

ORDER

This petition has been filed by the petitioners to quash the First Information Report in Crime No.519 of 2024, dated 26.11.2024 on the file of the first respondent police.

2. The learned counsel for the petitioner would submit that the respondent police have registered a false case stating that on 19.08.2025, at about 7:00 a.m., the mother of the defacto complainant, namely, Petchiammal, while walking in the Sundankurichi bus stop, a TATA Ace hit against her, due to which, she sustained injury and thereafter, died. The alleged offences took place on 19.08.2024, at about 7:00 a.m., but the FIR has been registered only on 26.11.2024. Further, the petitioner is not present on the spot on the date of occurrence and he does not own any TATA Ace in his name and according to the petitioner, he is owning Bolero Maxi Truck. In fact, the petitioner is driver in profession and the petitioner does not know about the incident, however, the defacto complainant lodged the false complaint against the petitioner. The first



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respondent police also, without any enquiry, registered the case.

Therefore, the false case was registered against the petitioner and the same is liable to be quashed.

3. The learned Government Advocate (Crl. Side) appearing for the first respondent police would submit that based on the complaint given by the second respondent, the FIR has been registered in Crime No.519 of 2024, dated 26.11.2024 for the offences under Sections 281 & 125(a) of BNS, 2023, thereafter, elaborate investigation was conducted and now, the investigation is completed. The charge sheet is yet to be filed and they are awaiting for the final opinion of the Doctor regarding the postmortem certificate. Therefore, this petition is liable to be dismissed.

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

5. Considering the prayer of the petition, this Court, without issuing notice to the private respondent, is inclined to pass orders.

6. In this case, according to the petitioner, the mother of the defacto complainant sustained injury due to the accident. But, the vehicle of the petitioner did not involve in the accident. The date of accident is



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19.08.2024, but, the FIR was registered on 26.11.2024, after a huge delay.

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7. This Court perused the FIR. As per the averments of the FIR, there are some allegations to constitute offences. The first respondent police conducted investigation and charge sheet is yet to be filed. At this stage, it is not appropriate to quash the FIR. Since investigation is completed, after filing of the charge sheet, the petitioner can challenge the charge sheet, if it is adverse to the petitioner. In view of the same, this Court is of the opinion that this petition has no merits and deserves to be dismissed.

8. With the above observations, this Criminal Original Petition is dismissed, preserving the liberty of the petitioner to challenge the charge sheet, if it is adverse to the petitioner. Consequently, connected miscellaneous petition is closed.

06.02.2025

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



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To

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1.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli.

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



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P.DHANABAL,J

apd

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