



CRL OP(MD). No.1945 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.1945 of 2025

1. Pathalamurugan

2. Arun Kumar

... Petitioners

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.101/2021.

2. Sasi Murugan,
S/o. Rajendran

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records in C.C.No. 327 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as illegal.

For Petitioners : Mr.Mayil Vahana Rajendran,
Advocate.



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For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The petitioner seeks to quash the impugned final report in C.C.No. 327 of 2022, on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, which was filed for the offences under Sections 341, 294(b), 323, 324, 326 and 506(i) of IPC.

2.The allegation in the final report is that on account of prior enmity, the petitioners attacked the defacto complainant with iron rods, abused him in filthy language and also committed the offence of criminal intimidation.

3.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this criminal original petition insofar as the first petitioner concerned and has made an endorsement to that effect.



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4.The learned counsel appearing for the second petitioner would submit that there is nothing in the final report or the material filed in support to suggest that the defacto complainant was attacked by the second petitioner; the allegation against the second petitioner is false; that he is sought to be roped in only because of the dispute between the first petitioner and the defacto complainant; that the allegation is that the first petitioner attacked the defacto complainant and it is not the case of the prosecution that the second petitioner had common intention to cause injury to the defacto complainant and that impugned prosecution against the second petitioner is liable to be quashed.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that there are allegations to show that the second petitioner also committed the offence under Section 323 IPC; that the impugned prosecution cannot be quashed by holding that the petitioner case is false and that the points raised by the second petitioner can be adjudicated only during trial and sought for dismissal of the petition.



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6. Though notice has been served on the second respondent, none has entered appearance.

7. It is seen that though the final report states that the petitioners attacked the defacto complainant with iron rod, the prosecution case is that only the first petitioner attacked the defacto complaint with iron rod and the learned Additional Public Prosecutor confirms that the averments in the final report is a mistake and in fact, only the first petitioner has been charged for the offences under Sections 341, 326, 324 and 506(ii). The statement of the witnesses and the prosecution case would suggest that the injuries sustained by the second respondent is due to the act of the first petitioner in attacking the defacto complainant with an iron rod. The Doctor also suggests that the injuries sustained by the second respondent was due to the attack with iron rod. There is nothing in the final report to suggest that the second petitioner had the common intention to commit the offence along with the first petitioner. The offences under Sections 294(b) and 506(ii) are not made out as the petitioner had not committed any obscene act or uttered obscene words or made any real threat to attract those offences. Similarly, the offences



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under Sections 341, 324 and 326 attributed to the first petitioner cannot be attributed to the second petitioner, as stated earlier there is nothing to suggest common intention.

8. Therefore, this Court is of the view that the continuation of the impugned prosecution is against the second petitioner would be an abuse of process of law. Accordingly, the impugned final report in C.C.No. 327 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, is quashed insofar as the second petitioner concerned.

9. In the result, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner and the criminal original petition is allowed insofar as the second petitioner concerned.

24.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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SUNDER MOHAN,J

CP

To

- 1.The Judicial Magistrate, Paramakudi,
Ramanathapuram District.
- 2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
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