



CrI.O.P.No.2203 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04-02-2025**

CORAM

THE HONOURABLE MR JUSTICE P.DHANABAL

CrI.O.P.(MD).No.2203 of 2025

and

CrI.M.P.(MD).No.1544 of 2025

1. Rayar
S/o.Soosai Manickam

2. Aji Kumar @ Ajithkumar,
S/o.Dhasaiyan.

... Petitioners

Vs.

1. The State of TamilNadu,
Rep. by its
The Inspector of Police,
Kaliyakkavailai Police Station,
Kanyakumari District.
(Crime No.43 of 2025)

2. Josepin Ammal

... Respondents

PRAYER: Criminal Original petition has been filed under Sections 528 of BNSS, to call for the records pertaining to the impugned FIR in Crime No. 43 of 2025 pending on the file of the first respondent police an to quash the same as against this petitioners/Accused Nos.1 & 2.



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For Petitioner : Mr.M.R.Sreenivasan
For Respondent No.1 : Mr.R.M.Anbunithi
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition has been filed to quash the FIR in Crime No.43 of 2025, dated 22.01.2025 pending on the file of the first respondent police for the offence punishable under Sections 329 (4) & 324(4) of BNS, 2023.

2. The learned Counsel appearing for the petitioner would submit that the Defacto-complainant has lodged a complaint by alleging that she is the owner of the the property in R.S.No.234/10, Kaliyakkavilai Village, Kanyakumari District. On 03.01.2025, for the convenient enjoyment of her property, she put up a wall near her bath room. While so, on 04.01.2025, when she went to the property in order to construct further wall over it, she found that the wall constructed by her was demolished. On inspection of CCTV Camera, it revealed that the accused persons along with nine persons with mask were demolished the wall and she sustained loss of Rs.30,000/-.



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Thereafter, she lodged a complaint before the first respondent. Based upon the said complaint, the respondent police registered FIR in Crime No.43 of 2025 for the offence punishable under sections. 329(4), 324(4) of BNS, 2023. In fact, these petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. Even as per the contents of the FIR, there are no ingredients to attract the sections 329(4) and 324(4) of BNS. Already civil proceedings in A.S.No.26 of 2021 on the file of the Additional District Munsif, Kuzhithurai is pending. In order to wreak vengeance, a false complaint has been lodged as against the petitioners. Therefore, the present petition is filed to quash the FIR in Crime No.43 of 2025.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the FIR has been registered only on 22.01.2025 and the investigation is under process. Immediately after the registration of FIR, the petitioner has filed this present petition to quash the FIR in Crime No.43 of 2025. Therefore, this petition is liable to be dismissed.



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4. Considering the submissions made by both side counsels, and considering the nature of offences, without issuing any notice to the second respondent this Court is inclined to pass orders, since, it would not affect the right of the second respondent. Moreover, the FIR has been registered on 22.01.2025, now the case is pending at initial stage of investigation. As per the contents of the FIR, there are some allegations to constitute the offences under Sections 329(4) and 324(4) of BNS, 2023. Those allegations are to be decided only after completion of investigation and not at this stage. This Court can not curtail the power of investigation agency by quashing the FIR at initial stage without any strong materials. The main contention of the petitioner counsel is that the issue is civil in nature and it was converted into criminal case. If it is so, it is for the investigation officer to investigate the case in a fair manner.

5. In view of the above said facts, these petitioners are at liberty to approach the investigation officer by producing all the relevant documents available with them. On submission of documents, the investigation officer



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is directed to peruse the documents and investigate the said case in a fair manner.

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

04.02.2025

Index : Yes/No
Internet : Yes/No
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P.DHANABAL, J.,

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To

1. The Inspector of Police,
Kaliyakkavailai Police Station,
Kanyakumari District.

3. The Public Prosecutor,
Madras High Court.

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