



Crl.O.P.(MD)No.2139 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :07.03.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2139 of 2025

and Crl.M.P.(MD) Nos.1464 and 1465 of 2025

Hayagrivan

Vs.

... Petitioner

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Thirunagar Police Station,
Madurai City.
Crime No.38 of 2024.

2. Arunachalam

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the charge sheet in C.C No. 1625 of 2024 pending on the file of the learned Judicial Magistrate VI, Madurai and quash the same as against the petitioner.

For Petitioner : Mr.P.Pravin Kumar

For R-1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

For R-2 : Mr.K.Navaneetha Rajan



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ORDER

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This petition has been filed by the petitioner to quash the proceedings in C.C No. 1625 of 2024 pending on the file of the learned Judicial Magistrate No.VI, Madurai.

2. The case of the prosecution is that the petitioner has abused with obscene words and assaulted the victim and caused injuries and thereby, she lodged a complaint. Based on her complaint, the first respondent police has completed the investigation and filed the final report before the Trial Court. Thereafter, the Trial Court has taken cognizance in C.C.No.1625 of 2024 for the offences under Sections 294(b), 324, 506(2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002.

3. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the husband of the defacto complainant and there are matrimonial dispute pending between them and thereby, already the child is under the custody of the petitioner and due to the custody of the child, some altercations between them. For that, the second respondent also not taken treatment before the private hospital, where she was admitted and thereafter, she obtained a certificate from the Government Hospital. Therefore, the case has been foisted falsely as against the petitioner. Even



as per the F.I.R and other materials filed along with final report, no offences are made out against the petitioner. Therefore, the pending proceedings are liable to be quashed.

4. The learned counsel for the private respondent would submit that the petitioner has assaulted the victim and also abused with obscene language and caused injuries. Therefore, she lodged a complaint and based on her complaint, F.I.R has been registered. Thereafter, the investigating officer conducted an investigation and filed the final report. Based on the final report, there are prima facie material available to proceed with the case as against the petitioner. Therefore, the petitioner has to face the Trial and the Trial Court also after satisfying that, there are prima facie material available had taken cognizance for the offences under Sections 294(b), 324, 506 (2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. Hence, the present petition is liable to be dismissed.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that based on the complaint given by the second respondent, F.I.R has been registered and thereafter, they conducted investigation and filed the final report. Even as per the final report, there are prima facie material available to proceed with the case as against the



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petitioner. Thereafter, the Trial Court has taken cognizance and hence, the petitioner has to face the Trial.

6. Heard both sides and perused the records.

7. In this case, the petitioner is challenging the pending proceedings in C.C.No.1625 of 2024 for the offences under Sections 294(b), 324, 506 (2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. According to the petitioner, the victim is none other than the wife of the petitioner and there are some matrimonial dispute pending between them. Due to that reason, a false case has been foisted against him and no such occurrence was happened as alleged by the second respondent. Even as per the F.I.R and the final report, there are no ingredients to constitute the offence under Sections 294(b), 324, 506 (2) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002. According to the respondents, there are some prima facie available to constitute the offences and thereby, the petitioner has to face the trial.

8. This Court perused the records and on perusal of the records, there are some allegations levelled against the petitioner as per the statements recorded by the investigation officer and wound certificate was also issued



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for the injuries sustained by the victim. Therefore, it needs an elaborate trial and at this stage, the veracity of the statements of the victim and the documents collected by the investigating officer cannot be tested. Therefore, the petitioner has to face the trial. However, the petitioner is at liberty to take all the ground as defence before the Trial Court. Therefore, the petition is liable to be dismissed. Considering the facts and circumstances of the case, this Court is inclined to dispense with the personal appearance of the petitioner before the Trial Court and considering the long pendency of the case, this Court also directs the learned Judicial Magistrate NoVI, Madurai to complete the trial as early as possible without giving long adjournments.

9. With the above said observations and directions, this criminal original petition is dismissed. Consequently, connected criminal miscellaneous petitions are closed.

07.03.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.

Mac

To

1. The Judicial Magistrate No.VI,
Madurai.
2. The Inspector of Police,
Thirunagar Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.2139 of 2025
and Crl.M.P.(MD) No.234 of 2025

07.03.2025