



Crl.O.P.(MD)No.2307 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2307 of 2025

and

Crl.M.P(MD) No.1624 and 1626 of 2025

1. Thirumurugan
2. Muneeswari
3. Vasantha
4. Sivamani

.. Petitioners

Vs.

1. The Inspector of Police
Mudhukulathur Police Station
Ramanathapuram District

- 2.Manjuladevi

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.82 of 2024 on the file of the learned Judicial Magistrate, Mudhukulathur, Ramanathapuram District and quash the same.

For Petitioners : Mr.S.Muniyandi

For Respondents : Mr.M.Vaikkam Karunanithi
No.1 Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.82 of 2024 on the file of the learned Judicial Magistrate, Mudhukulathur, Ramanathapuram District.

2. The case of the prosecution is that on 14.02.2024 at about 8.00 am., when the defacto complainant tried to take the car from his house the cement platform constructed caused disturbance and when the same was questioned, the first accused used obscene words on the defacto complainant and thereafter on the same day at about 13.00 hrs when the defacto complainant along with her husband were in the house, the first accused along with other accused trespassed into the house of the defacto complainant and used obscene words and also caused damage to the window door worth about Rs.13,500/- and thereby the defacto complainant lodged a complaint before the first respondent and the same was investigated and final report was filed. Now the petitioners who are the accused have challenged the final report.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a false complaint against the petitioners



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and others before the first respondent and the first respondent registered a case in Crime No. 30 of 2024 for the offences under Sections 294(b), 448 and 427 of IPC. Thereafter the first respondent without conducting proper investigation filed final report and the trial Court without any prima facie materials had taken cognizance. There is a pathway dispute between the parties, thereby a false case has been registered. In fact the to attract the provisions under Sections 294(b), 448 and 427 of IPC there are no materials available to proceed with the case , however the trial Court has taken cognizance and therefore the above proceedings are liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 30 of 2024 for the offences under Sections 294(b), 448 and 427 of IPC and thereafter they conducted elaborate investigation and filed final report. As per the final report there are prima facie materials available as against the petitioners to constitute the offence. It is matter for trial and hence the petition is liable to be dismissed.

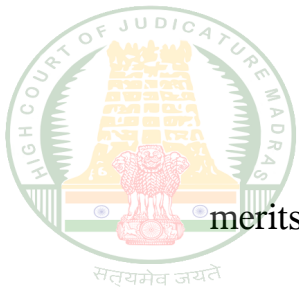


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5. Heard both sides and perused the materials available on record.

6. According to the petitioners based on the complaint lodged by the second respondent the first respondent registered a case in Crime No. 30 of 2024 for the offences under Sections 294(b), 448 and 427 of IPC and thereafter they conducted elaborate investigation and filed final report and the trial Court also after satisfying that the *prima facie* materials available had taken cognizance.

7. This Court perused the records and on perusal of the same it is seen that there are *prima facie* materials available to constitute the offence as against the petitioners and the first respondent also collected materials and filed final report and as per the final report there are serious allegations as against the petitioner. As per the statements recorded by the investigation officer and materials collected by him, during investigation there are *prima facie* materials to constitute the offence as against the petitioners. The veracity of the statements recorded and the materials collected by the first respondent during investigation cannot be tested at this stage. Since *prima facie* materials are available to proceed with the case against the petitioners they have to face the trial and there is no



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merits in the petition and it is liable to be dismissed. What are all the grounds raised in this petition can be taken as defence before the trial Court during trial .

8. In view of the same, the Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions stand closed.

07.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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



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P.DHANABAL,J.

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