



Crl.O.P.(MD)No.3001 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :19.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.3001 of 2025

and Crl.M.P.(MD) No.2033 of 2025

1. Shaji

2. Suthrani Reethammal

... Petitioners

Vs.

1. The State of Tamilnadu,
Represented by the Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Crime No. 227/2024

2. Jeess Raymond

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the proceedings in Crime No.227 of 2024 on the file of the 1st respondent police and quash the same as it has no prima facie case as against the petitioners.

For Petitioners : Mr.T.Ramasamy

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



Crl.O.P.(MD)No.3001 of 2025

ORDER

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This Criminal Original Petition has been filed by the petitioners to quash the F.I.R in Crime No.227 of 2024 on the file of the first respondent police.

2. The learned counsel appearing for the petitioners would submit that based on the complaint given by the second respondent, the first respondent police registered a case in Crime No.227 of 2024 for the offences under Sections 147, 120B, 465, 468, 471, 420 and 34 IPC. In fact, no alleged occurrence was happened as alleged by the prosecution and even as per the F.I.R, there are no ingredients to constitute the offences. Therefore, the present F.I.R is liable to quashed.

3. The learned Government Advocate (Criminal) appearing for the first respondent would submit that already the 1st respondent have conducted an elaborate investigation and as per the investigation, there are prima facie material available to proceed as against the petitioners and they filed the charge sheet before the learned Judicial Magistrate, Kuzhithurai. Therefore, the petitioners can challenge the said final report or they can face the trial and this petition becomes infructuous.



Crl.O.P.(MD)No.3001 of 2025

4. This Court perused the records. Considering the limited prayer sought for in this petition, this Court even without issuing notice to the 2nd respondent inclined to dispose the petition.

5. According to he petitioners, there are no ingredients to constitute the offences even as per the F.I.R and F.I.R has been registered with false allegations. Since the petition is challenging the F.I.R and the first respondent police after an elaborate investigation filed the final report, it is appropriate to dispose the petition preserving the liberty of the petitioners to challenge the final report. Even as per the F.I.R, there are some allegations to constitute the offences. Since after investigation the final report is filed, the petitioners are at liberty to challenge the final report in the manner known to law.

6. With the above said observation, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is also closed.

19.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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Crl.O.P.(MD)No.3001 of 2025

P. DHANABAL, J.,

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To

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

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

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