



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

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THE HONOURABLE **MR.JUSTICE P.DHANABAL**

**Crl.O.P(MD)No.2469 of 2025
and Crl.M.P.(MD).No.1689 of 2025**

1. Mohana Sundaram
2. Dhanapaul
3. Santhaselvi

... Petitioners

Vs

1. The state of Tamilnadu
The State rep. by
The Inspector of Police,
Vallam All Women Police Station,
Vallam,
Thanjavur District.
(Crime No.17 of 2024)

2. Kanimozhi

... Respondents

PRAYER: Criminal Original petition filed under Section 528 of BNSS Act, to call for the records relating to FIR in Crime No.17 of 2024 dated 16.07.2024, on the file of the first respondent police and quash the same as against the petitioners.



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For Petitioner

: Mr.D.Rameshkumar

For Respondent No.1

: Mr.M.Sakthi Kumar
Government Advocate (Crl)

ORDER

This Criminal Original Petition has been filed by the petitioners to quash the FIR in Crime No.17 of 2024 on the file of the first respondent dated 16.07.2024.

2. The learned Counsel appearing for the petitioners would submit that there is a family dispute pending between the Defacto-complainant and the petitioners herein. Thereby, the second respondent lodged a false complaint against the petitioner. Even according to the FIR, there are no prima facie material to constitute the offences mentioned in the FIR. Therefore, the pending FIR is abuse of process of law and the same is liable to be quashed. Hence, he prays to allow this present petition.

3. The learned Counsel appearing for the first respondent would submit that as per the investigation there are prima facie materials available to proceed against the petitioners herein and thereby the respondent police have already filed a charge sheet. Therefore, nothing survives for further adjudication in the present petition, hence, he prays to dismiss the present petition.



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4. Considering the limited scope of prayer sought for in this petition, without issuing notice to the second respondent this Court is inclined to pass orders in this petition. Since, already the first respondent filed charge sheet after elaborate investigation and this petition is filed only to challenge the FIR in Crime No.17 of 2024 dated 16.07.2024, and as per FIR, there are some allegations to constitute the offences as mentioned in the FIR. Therefore, this Court is of the view that it is for the petitioners to challenge the final report if they aggrieved.

5. With the above said observations, this Criminal Original Petition is dismissed. However, the petitioners are at liberty to challenge the final report if they are so advised. Consequently, connected miscellaneous petition is closed.

10.02.2025

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

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To

1. The Inspector of Police,
Vallam All Women Police Station,
Vallam,
Thanjavur District.

2. The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.2469 of 2025

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