



Crl.O.P.(MD) No.6935 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	24.10.2025
Pronounced on	30.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.6935 of 2025

and

Crl.M.P.(MD) No.5085 of 2025

1.Boomi

2.Meenakshi

3.Muthu Jothika

4.Periyannan

5.Prakash

6.Gangadevi

7.Ramakrishnan

8.Karuppaiah

... Petitioners

Vs.

1.State of Tamil Nadu rep. by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.528 of 2021)

2.P.Muniyasamy

... Respondents



Crl.O.P.(MD) No.6935 of 2025

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to quash the charge sheet in unnumbered CC/2021 dated 30.12.2021 on the file of the learned Judicial Magistrate No.II, Madurai.

[Prayer was amended as per the order of this court dated 19.09.2025 passed in Crl.M.P.(MD) No.12913 of 2025]

For Petitioners : M/s.P.Kalaiyarasi Bharathi
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in unnumbered C.C./2021, dated 30.12.2021, on the file of the learned Judicial Magistrate No.II, Madurai, filed against the petitioners for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) of the Indian Penal Code, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The allegation in the final report is that, on account of prior enmity with their neighbours regarding the rearing of chickens and goats



Crl.O.P.(MD) No.6935 of 2025

by the petitioners in their house, on 13.12.2021 at about 10:30 p.m., the petitioners went to the house of the second respondent/defacto complainant and her family members attacked with sticks and knives, and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the first respondent police had not conducted the investigation in a proper manner; that the first petitioner had lodged a complaint against the second respondent/defacto complainant and others in Crime No.529 of 2021, registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, and 506(2) of the Indian Penal Code, 1860; that in fact, the first petitioner and others had suffered injuries in the said incident; that the first respondent police, in violation of PSO 566 and the guidelines issued by the Full Bench of this Court in ***T.Balaji and another v. The State rep. by the Inspector of Police, New Washermenpet Police Station, Chennai***, vide order dated 08.08.2024 in Crl.O.P.No.4587 of 2024 etc. batch, have filed the final report only against the petitioners; and that, therefore, the impugned final report is liable to be quashed.



Crl.O.P.(MD) No.6935 of 2025

4. The learned Government Advocate (Criminal Side) for the first respondent police would fairly submit that the impugned final report was filed only on the complaint given by the second respondent/defacto complainant against the petitioners; that there is no reference to the action taken in the counter case in Crime No.529 of 2021; and that the investigation in Crime No.529 of 2021 is still pending. He would further submit that both the complaints, namely Crime No.528 of 2021, which culminated in the impugned final report, and Crime No.529 of 2021 filed by the first petitioner against the second respondent/defacto complainant and others, relate to the same incident said to have taken place near the house of the second respondent/defacto complainant.

5. Though notice has been served on the second respondent/defacto complainant, none has entered appearance.

6. Initially, the petitioners had sought quashing of the FIR on various grounds. Thereafter, when the case came up for hearing, the first respondent police submitted that the final report has been filed. Hence, the petitioners filed a petition in Crl.M.P.(MD) No.12913 of 2025 seeking amendment of the prayer for quashing of the final report.



Crl.O.P.(MD) No.6935 of 2025

WEB COPY

7. The primary ground on which the petitioners have sought quashing of the final report is that there is a violation of PSO 566 and the guidelines issued by the Full Bench of this Court in ***T.Balaji*** case (cited *supra*). It is not in dispute that two complaints, one filed by the second respondent/defacto complainant against the petitioners, and another filed by the first petitioner against the second respondent/defacto complainant and others, are case and case in counter. There are two rival versions in respect of the same occurrence. The complaint filed by the petitioners in Crime No.529 of 2021 is admittedly still under investigation. However, the first respondent police have chosen to file the final report against the petitioners in Crime No.528 of 2021, in violation of PSO 566.

8. The Full Bench of this Court in ***T.Balaji*** case (cited *supra*) had reiterated the earlier view taken by this Court and had issued certain guidelines to be followed by the police.

9. It is not the case of the first respondent police that they have closed the complaint given by the petitioners on the ground that it is false. The first respondent police have not ascertained which of the versions is



Crl.O.P.(MD) No.6935 of 2025

true and have blindly chosen to file the final report in this case alone, while still conducting the investigation in the other case. Even if the first respondent police ultimately hold that the complaint filed by the first petitioner is false, such a procedure would be contrary to the directions issued by this Court in **T.Balaji** case (cited *supra*). It is also not the case of the first respondent police that the complaint filed by the first petitioner was placed along with the final report filed against the petitioners. The rival versions are totally inconsistent with each other. The first respondent police have not found as to who were the real aggressors. The Full Bench of this Court in **T.Balaji** case (cited *supra*) has held that if the final report is filed without following its directions, the learned Judicial Magistrate can return the final report, directing the police to comply with PSO 566 and even if the learned Judicial Magistrate fails to do so, this Court can exercise its power under Section 528 of BNSS to ensure compliance with PSO 566.

10. The offences alleged against the petitioners and the complaint filed by the first petitioner relate to an incident, which occurred due to a dispute between neighbours. It is now represented that thereafter, there are no disputes between the neighbours as on date. The occurrence took place



Crl.O.P.(MD) No.6935 of 2025

in the year 2021. Therefore, considering the nature of the allegation which only discloses a dispute between neighbours, the date of the offence, the violation of PSO 566 and the guidelines issued by the Full Bench of this Court, this Court is of the view that no useful purpose would be served in setting aside the final report and directing the police to follow PSO 566 at this stage. Hence, this Court is inclined to quash the impugned final report.

11. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

30.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non Speaking Order

Copy To:

1.The Judicial Magistrate No.II,
Madurai.

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.

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



WEB COPY



Crl.O.P.(MD) No.6935 of 2025

SUNDER MOHAN, J.

JEN

Pre-Delivery Order made
in
Crl.O.P.(MD) No.6935 of 2025

30.10.2025