



Crl.O.P(MD)No.6386 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.6386 of 2025

and

Crl.M.P(MD)Nos.4645 and 4646 of 2025

Surendran

... Petitioner

Vs

**1. The State of Tamilnadu,
Rep by the Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.
Crime No.29 of 2025.**

2. Vairavan

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records pertaining to the Charge Sheet in C.C.No. 94 of 2025 for offences U/s.126(2), 296(b), 115(2) and 351(3) of Bharathiya Nyaya Sanhita (BNS) 2023 pending before the learned Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District. and quash the same as illegal insofar as the petitioner is concerned.



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For Petitioner : Mr.J. Pandi Dorai,

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.94 of 2025, pending before the learned Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District.

2.The learned Counsel for the petitioner would submit that the second respondent lodged a false complaint against the petitioner due to previous enmity and the first respondent also without conducting any enquiry registered the case in Crime No.29 of 2025 for the offences under Sections 126(2), 296(b), 115(2) and 351(3) of BNS. The first respondent without conducting proper investigation filed the final report and the trial Court also without any *prima facie* material had taken cognizance and the case is now pending before the learned Judicial Magistrate No.II, Kuzhithurai. Even as per the FIR and charge sheet, there are no offences made out against the petitioner and no ingredients



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to constitute the offence as per the averments. Therefore, the pending proceedings are liable to be quashed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the complaint lodged by the second respondent, the respondent police registered the FIR and after conducting an elaborate investigation, filed the final report. As per the final report, there are *prima facie* material available to constitute the offence, thereby, the trial Court also after being satisfied that there are *prima facie* material available taken cognizance. He would further submit that it is a matter for trial. Therefore, this petition is liable to be dismissed.

4.Considering the limited scope of the prayer sought for in this petition, this Court, without even issuing notice to the private respondent, is inclined to pass order.

5.According to the petitioner, the second respondent lodged a false complaint against the petitioner and based on the same, the present FIR has been registered without proper enquiry and also without proper



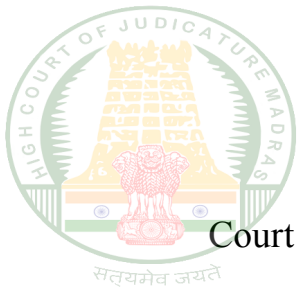
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investigation, the final report has been filed. The trial Court also without any material taken cognizance of the same. According to the prosecution, they conducted investigation and filed final report as per the final report prima facie material available to proceed with the case.

6.This Court heard both sides and perused the entire records.

7.On perusal of records, it is seen that as per the FIR some allegations were levelled as against the petitioner to constitute the offences and as per the final report, there are materials available to constitute the offences as against the petitioner. The veracity of the statements recorded and the materials collected during the investigation cannot be looked into at this stage and it requires elaborate trial. Therefore, the impugned charge sheet cannot be quashed as there are some material available to proceed with the case further as against the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed. However, considering the nature of case, this Court is inclined to dispense with the personal appearance of the petitioner before the trial



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Court and it is for the trial Court to take appropriate decision if the appearance of the petitioner is absolutely necessary by issuing summons on particular date for appearing. Further the case is pending from the year 2025, hence the trial Court is directed to complete the trial proceedings as early as possible without giving any long adjournments beyond fifteen days. Accordingly, the connected miscellaneous petition in Crl.M.P(MD)No.4646 of 2025 is ordered.

9.Consequently, the connected miscellaneous petition in Crl.M.P(MD)No.4645 of 2025 is closed.

08.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

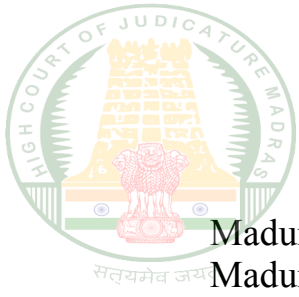
To

1.The Judicial Magistrate Court No.II,
Kuzhithurai.

2. The State of Tamilnadu,
Rep by the Inspector of Police,
Nithiraivilai Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,

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Madurai Bench of Madras High Court,
Madurai.

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P. DHANABAL, J.

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