

CrI.O.P.(MD)No.8335 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8335 of 2025

and

CrI.M.P.(MD)No.6408 of 2025

Jeyarajan

... Petitioner

Vs.

1.The Inspector of Police,
Usilampatty Town Police Station,
Usilampatty,
Madurai District.
In Cr.No.134 of 2025.

2.Nadarajan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the entire records connected with the impugned FIR in Cr.No.134 of 2025 dated 02.04.2025 filed by the first respondent and quash the same insofar as the petitioner/1st accused is concerned.

For Petitioner

: Mr.K.K.Kannan

For R1

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)



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ORDER

This criminal original petition has been filed to quash the first information report in Cr.No.134 of 2025 pending on the file of the first respondent Police, which was registered for the offences punishable under Sections 191(2), 329(3), 324(4), 296(b) and 351(2) BNS.

2.The case of defacto complainant is that he is administering the society and Nadar Saraswathi Higher Secondary School as per the judgement and degree passed in O.S.No.16 of 2015 dated 29.03.2023 and A.S.No.21 of 2023 dated 18.12.2024. An election of the Society was conducted by the Advocate Commissioner on 22.12.2024, in which, the defacto complainant was elected as Office Bearer and the same has been approved by the District Registrar and he assumed charges on 22.12.2024. While so, the petitioner, who lost the civil suit, has filed second appeal and obtained an order of status-quo in CMP.(MD)No. 1569 of 2025 in S.A.(MD)No.71 of 2025 dated 13.01.2025. Taking advantage of the status-quo granted by this Court, he has broke-open the chamber and also threatened the Headmaster and Teachers that he is the



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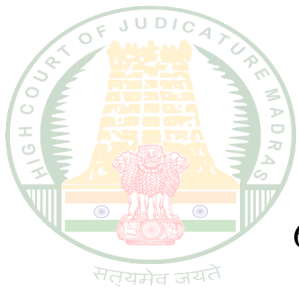
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administrator of this school. Therefore, defecto complainant has lodged the above complaint that the petitioner is attempting to interfere with the administration, as against the judgment of the Civil Court.

3.The learned counsel appearing for the petitioner submits that though the trial Court and the first appellate Court passed a decree in favour of the second respondent, the petitioner has obtained an order of status-quo in CMP.(MD)No.1569 of 2025 in S.A.(MD)No.71 of 2025 dated 13.01.2025. According to the petitioner, he is administering the Society and the School and he is having several records to establish that he is in administration. Therefore, according to the learned counsel for the petitioner, this case is a foisted one.

4.Mr.A.S.Abul Kalaam Azad, learned Government Advocate(Crl.side) takes notice for the first respondent and submits that investigation in Cr.No. 134 of 2025 is pending.

5.This Court has considered the submissions made on either side and perused the available records.



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6.The nature of complaint is with regard to the disturbance made by the petitioner in the administration of Society, which is running a School, namely, Nadar Saraswathi Higher Secondary School at Usilampatti. The civil Court has passed a decree in favour of the defacto complainant. However, the second appeal filed by the petitioner has also been entertained and an order of status-quo has been passed. The allegation against the petitioner is that he entered into premises of the School by taking advantage of the interim order and he has also broke-open the Secretary Chamber and also threatened the Headmaster and Teachers. The petitioner claims that he has several documents to prove that he is in administration and he is paying salary to the Teachers.

7.The investigation is a process to find out the truth. The Investigating Officer is expected to conduct the investigation in a fair and proper manner to find out the truth and then, take a decision either to file a final report or to close the complaint. In the process of investigation, the investigation Officer is not supposed to conduct the investigation in a mechanical manner based on the materials, which was furnished by the defacto complainant alone. The materials, if any produced by the petitioner also needs to be considered and then, final decision has to be taken by the Investigating Officer. Since the investigation is pending, at this stage, this court is not inclined to interfere



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with the investigation. In the event if any final report has been filed as against the petitioner, it is always open to the petitioner to challenge the same, provided if he is having any materials.

8.In view of the above discussion, this criminal original petition is closed with liberty to the petitioner to produce all materials before the Investigating Officer. The Investigating Officer is directed to consider the materials to be furnished by the petitioner and also the grounds raised in this petition. Consequently, connected miscellaneous petition is closed.

02.06.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Inspector of Police,
Usilampatty Town Police Station,
Usilampatty,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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