



Crl.O.P.(MD)No.13130 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13130 of 2025

1. Shajahan

2. Abdul Salam

... Petitioners/Accused

Nos.2 and 3

Vs

1. The State of Tamilnadu,
Rep by the Sub-Inspector of Police,
Perungudi Police Station,
Madurai District.
Cr.No.94 of 2018.

...Respondent No.1/Complainant

2. Vasantha Inbarani

... Respondent No.2/Victim/LW4

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the case in C.C.No.85 of 024 on the file of the learned Judicial Magistrate, Tirumangalam, Madurai in Cr.No.94 of 2018 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.A.Syed Abdul Kather

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 call for the records in C.C.No.85 of 2024, pending on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District, arising out of Crime No.94 of 2018 on the file of the first respondent Police, and to quash the same.

2. The petitioners are arrayed as Accused Nos.2 and 3 in C.C.No.85 of 2024. A case in Crime No.94 of 2018 was registered by the first respondent Police against the petitioners and others, and a final report was filed in the year 2024. The copies of the same were furnished to the petitioners on 09.05.2024. The case was initially posted on 02.07.2024 for framing of charges. However, from 18.03.2024 till 08.07.2025, the proceedings have been delayed on account of the non-appearance of the accused, and the charges have not been framed till date. At this stage, the petitioners have filed the present petition seeking quashment of the proceedings on the ground of compromise.

3. The learned Government Advocate (Crl. Side) submits that the case was registered on the complaint of one Mohan, who alleged that the petitioners had trespassed into his property and caused damage to his flower



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plants and water tank, valued at about Rs.60,000/-. The defacto complainant has since died, and the petitioners have filed this application impleading only the wife of the deceased complainant. It is contended that the defacto complainant left behind four legal heirs, and without impleading the other legal heirs, the present petition for quashing is not maintainable. Further, no proof of compromise between the parties has been filed along with the petition.

4. The learned Government Advocate further points out that the alleged occurrence took place in the year 2018. The petitioners have continuously evaded the proceedings, thereby preventing the trial Court from framing charges, and have now come forward with this petition on the ground of compromise, which is only with one of the legal heirs of the defacto complainant.

5. Considering the rival submissions and the facts of the case, this Court is not inclined to quash the proceedings solely on the ground of compromise. However, liberty is granted to the petitioners to file a fresh application by impleading all the legal heirs of the defacto complainant, if so advised.



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6. Accordingly, this Criminal Original Petition stands dismissed with the aforesaid liberty.

06.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Perungudi Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

Indu

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