



CrI.O.P.(MD)No.9297 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.06.2025

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9297 of 2025
and CrI.M.P.(MD)No.6761 of 2025

1. Chandrasekar @ L.Chandrasekaran
2. Packiyam
3. Pavithra

... Petitioners

versus

1. State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.

2. Gandhi

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the impugned FIR in Crime No.42/2025 dated 19.04.2025 on the file of the 1st respondent police and to quash the same as illegal.

For Petitioners : Mr.K.Kurusev

For R1 : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)



WEB COPY



Crl.O.P.(MD)No.9297 of 2025

ORDER

The petitioners have filed this petition seeking to quash the FIR in Crime No.42 of 2025, which was registered against them for the offences under Sections 296(b), 115(2) and 351(3) of BNS 2023 on the file of the 2nd respondent.

2. The learned counsel appearing for the petitioners submits that originally, the accused group is the aggressor and the alleged occurrence had taken place in the petitioners' house, however, on the complaint of the accused, the respondent Police has registered a counter case as against the petitioners. The respondent Police, in order to help the accused group, has wrongly fixed the petitioners as accused by registering a counter case.

3. The learned Government Advocate (Crl. Side) submits that the investigation is in crucial stage. According to him, there was an incident and both sides have suffered injuries. Therefore, the respondent Police has registered a case and counter case.



CrI.O.P.(MD)No.9297 of 2025

WEB COPY

4. Even if it is a case and counter case, it is the duty and responsibility of the respondent Police to find out, who is the aggressor and thereafter, they have to file the final report as against the aggressor and close the other complaint. Since this case is under investigation, at this stage, this Court is not inclined to interfere with the investigation.

5. However, the respondent Police is directed to conduct the investigation in both Cr.Nos.41 and 42 of 2025 together as per the Police Standing Orders (PSO.566) and find out who is the aggressor. The Deputy Superintendent of Police, Devakottai, is also directed to monitor the investigation and ensure that they find out who is the aggressor and take further course of action.

6. The Investigation is a process of finding out the truth and it is not a mechanical process to take the witnesses of the complainant and come to a conclusion. The respondent Police has to find out, who is the aggressor and thereafter, to consider the grounds raised by the petitioners in this petition during the course of investigation.



CrI.O.P.(MD)No.9297 of 2025

WEB COPY

7. In the event, if any final report is filed as against the petitioners, it is always open to them to challenge the final report. With a hope that the respondent Police would conduct the investigation in a proper manner, this Criminal Original Petition is closed for the present, with liberty as stated above. Consequently, connected miscellaneous petition is closed.

05.06.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
ogy

To

1. The Sub Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.9297 of 2025

B.PUGALENDHI, J.

ogy

CrI.O.P.(MD)No.9297 of 2025

05.06.2025