



Crl.O.P.(MD)No.9310 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9310 of 2025

and

Crl.M.P.(MD)No.6777 of 2025

1.Ganesan

2.Dhanalakshmi

... Petitioners

Vs.

1.The Sub-Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.63 of 2025

2.Thilagam

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in Crime No.63 of 2025 on the file of the first respondent Police and quash the same.

For Petitioners

: Mr.P.Muthusamy

For R1

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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ORDER

The petitioners have filed this petition seeking to quash the FIR in Crime No.63 of 2025 , which was registered against them for the offences under Sections 296(b), 115(2) and 351(2) BNS on the file of the first respondent.

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



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4. Even if it is a case and counter case, it is the duty and responsibility of the first 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 first respondent Police is directed to conduct the investigation in both Cr.Nos.62 & 63 of 2025 together as per the Police Standing Orders (PSO.566) and find out who is the aggressor. The Deputy Superintendent of Police, Ramanathapuram 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 first 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.

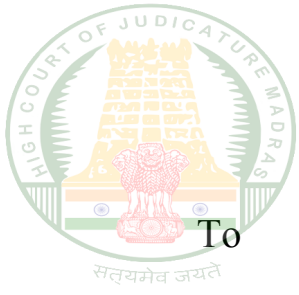


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05.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
gns



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To

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- 1.The Deputy Superintendent of Police,
Ramanathapuram.
- 2.The Sub-Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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