



Crl.O.P.(MD)No.8321 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8321 of 2025
and Crl.M.P.(MD)Nos.6373 & 6375 of 2025

Sundarrajan

... Petitioner

Vs.

1.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(In Crime No.78 of 2022)

2.Kalai Selvi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the case registered in Charge sheet in C.C.No.76 of 2024 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District and quash the same as illegal as far as the petitioner is concerned.

For Petitioner

: Mr.G.Anto Prince

For R1

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

ORDER

This criminal original petition has been filed to quash the charge sheet in C.C.No.76 of 2024 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District.



WEB COPY 2.The petitioner is accused No.5 in Cr.No.78 of 2022. The said case was registered based on the complaint lodged by the second respondent, who claimed to be the sub tenant of the shop belonging to Thiruvaduthurai Adheenam. The petitioner claims that he is 70 years old, residing at Chennai and he is the leaseholder of the subject property. He handed over the said property to A1 for management. A1, without his knowledge sub-leased the property to the second respondent, who is running vegetable vending shop in the said shop. She is also selling tobacco products. Therefore, on knowing that his shop has been used for selling tobacco, the petitioner asked A1 to vacate the premises and A1 compelled the second respondent to vacate the premises. In the said process, the alleged occurrence had taken place on 23.02.2022 at about 05.30 am. Based on the complaint given by the second respondent, a case in Cr.No.78 of 2022 has been registered for the offences under Sections 147, 148, 448, 294(b), 506(2), 109, 352 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. After completion of investigation, the first respondent filed final report, which was taken on file in C.C.No.76 of 2024 by the learned Judicial Magistrate, Sathankulam, Thoothukudi District.



WEB COPY 3.The contention of the petitioner is that he is the leaseholder of property belonging to Thiruvaduthurai Aatheenam and he entrusted the property to the first accused. The first accused, without his knowledge, had sub-leased the property to the defacto complainant. The petitioner is staying at Chennai and he was not present in the scene of occurrence. The defacto complainant mentioned the petitioner's name as if he instigated the accused Nos.1 to 4 to vacate the second respondent. Based on this fake complaint, a case has been registered as against the petitioner and final report has also been filed, in a mechanical manner. Therefore, the final report needs to be quashed as against the petitioner.

4.This Court has considered the submissions and perused the materials available in the record.

5.The second respondent, who is claiming to be running a vegetable shop in the premises, has made a complaint alleging that the accused persons have come to her shop on 23.02.2022 at about 05.30 a.m., in an auto bearing Reg.No.TN 72 CY 5638 and the petitioner herein instigated the other accused to vacate the premises and the other



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accused carried out the instructions by lifting the materials from the shop. The Investigation Agency has conducted investigation and also examined four other eye witnesses, apart from the second respondent. One Vasanthamani, S/o Maniperumal, one Papa W/o Velautha Perumal, one Balakumar, S/o Ganesan and one Appadurai, S/o Chellapalam were cited as eye witnesses to the incident.

6.The veracity of the statement made by the second respondent can be ascertained only during the trial. Mere because, the petitioner claims that he is residing at Chennai and he is aged 70 years, the same cannot be a ground to quash the impugned proceedings. Accordingly, this criminal original petition is dismissed with liberty to raise all the grounds, which are raised in this petition, before the trial Court. Consequently, connected miscellaneous petitions are closed.

02.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Judicial Magistrate,
Sathankulam,
Thoothukudi District.
- 2.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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