



CrI.O.P.(MD)No.10678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10678 of 2025
and CrI.M.P.(MD)No.8023 of 2025

1. Perumal
2. Rajkumar

... Petitioners

versus

1. State of Tamil Nadu,
Rep. by the Inspector of Police,
Manapparai Police Station,
Trichy District.

2. Rajendran

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to FIR in Crime No.42 of 2025 dated 03.02.2025 on the file of the 1st respondent, the Inspector of Police, Manapparai Police Station, Trichy District.

For Petitioners : M/s.P.Kalaiyarasi Bharathi

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



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ORDER

The petitioners are accused Nos.1 and 2 in Crime No.42 of 2025 on the file of the respondent Police. They have moved this petition to quash the said proceedings pending against them.

2. The learned counsel appearing for the petitioners submits that two complaints have been lodged as against the petitioners for an incident said to have taken place on 02.02.2025. A case in Crime No.8 of 2025 has been registered at the instance of the defacto complainant's daughter and another complaint has been lodged by the defacto complainant/2nd respondent that the petitioners have assaulted him and others, which was registered in Crime No.42 of 2025. The respondent Police, instead of registering a case for the incident said to have taken place on 02.02.2025 in a single FIR, has registered two different FIRs and there are certain distinctions between two FIRs. The allegation in Crime No.8 of 2025 has not been stated in Crime No.42 of 2025. Therefore, the case in Crime No.42 of 2025 is a foisted one, in order to wreck vengeance against the petitioners.



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3. The learned Government Advocate (Crl. Side) submits that the case in Crime No.8 of 2025 has been lodged by the minor daughter of the defacto complainant for the offence punishable under the POCSO Act and therefore, the case in Crime No.8 of 2025 was registered separately. Thereafter, the petitioners said to have assaulted the defacto complainant and others. Therefore, another complaint was lodged by the defacto complainant for the assault made as against them. Hence, the respondent Police has registered a separate case in Crime No.42 of 2025 for the offences under Sections 296(b), 115(2), 118(2), 351(3) of BNS 2023 r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

4. The learned Government Advocate (Crl. Side) further submits that the investigation in Crime No.8 of 2025 has already been completed and the final report has also been filed. However, the investigation in Crime No.42 of 2025 is still pending and they have already examined eight witnesses and some more witnesses have to be examined. He further submits that the victims in Crime No.42 of 2025 suffered injuries and they have also taken treatment before the Government Hospital.



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Therefore, they have to get wound certificates from the victim.

Thereafter only, they have to file the final report. The learned Government Advocate (CrI. Side) further submits that the second accused/2nd petitioner died on 28.05.2025.

4. This Court considered the rival submissions made.

5. The petitioners are accused Nos.1 and 2 in Crime No.42 of 2025. Though the 2nd petitioner/2nd accused died on 28.05.2025, the learned counsel for the petitioners has filed this petition for the deceased person on 19.06.2025. This Court cannot appreciate the manner in which this petition has been filed for the deceased person seeking to quash the proceedings which is pending against him.

6. The only grievance of the petitioner is that for the incident said to have taken place on 02.02.2025, two FIRs have been registered. The learned Government Advocate (CrI. Side) clarified that the case in Crime No.8 of 2025 has been registered for the offence under POCSO Act, based on the complaint given by the minor child and the case in Crime



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No.42 of 2025 has been registered for the subsequent incident for having questioned the conduct of the petitioners as against the minor child. It appears that the investigation in Crime No.42 of 2025 is still pending.

7 The grounds raised by the petitioners can be appreciated by the investigating agency even during the investigation. Therefore, this Court is not inclined to quash the proceedings in Crime No.42 of 2025, based on the grounds of the petitioners in this petition. Accordingly, this Criminal Original Petition is dismissed. The respondent Police shall find out the truth and thereafter, take further course of action in the manner known to law. Consequently, connected miscellaneous petition is closed.

25.06.2025

Index : Yes / No.

Internet : Yes / No.

NCC : Yes / No.

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To

1. The Inspector of Police,
Manapparai Police Station,
Trichy District.



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B.PUGALENDHI, J.

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2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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