

Crl.O.P.(MD)No.9766 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9766 of 2025

1. Sankarapandi
(Rep. by Natural Guardian
Grandmother Pappa)

2. Chinna Esakki @ M.Esakki

... Petitioners

versus

1. State of Tamilnadu Rep. by
The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.

2. Manikandan

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to the FIR in Crime No.10 of 2025 pending on the file of the 1st respondent and quash the same as illegal.

For Petitioner : Mr.M.Maharaja

For R1 : Mr.P.Kottaichamy,
Government Advocate (Crl. side)



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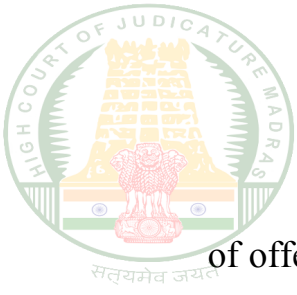
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ORDER

The petitioners are accused Nos.3 and 4 in Crime No.10 of 2025. They have moved this petition to quash the FIR in Crime No.10 of 2025, which has been registered against them, on the file of the first respondent Police, for the offences under Sections 191(2), 191(3), 296(b), 127(2), 115(2), 118(1), 109 and 351(3) of BNS.

2. Originally, this case has been registered against the petitioners and three others. The case of the petitioners is that the 3rd accused/1st petitioner is a chronic kidney patient and he is taking treatment, by undergoing dialysis. Therefore, there is no possibility for the 1st petitioner to involve in the commission of offence. However, on the complaint of the 2nd respondent, this case has been registered as against the entire family members, including the 3rd accused/1st petitioner, who is studying 12th standard.

3. The learned counsel appearing for the petitioners submits that both the petitioners/accused 3 and 4 have not involved in the commission



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of offence. However, this case has been falsely registered against them.

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4. The learned Government Advocate (Crl. Side) submits that in this case, the investigation is pending.

5. This Court considered the rival submissions made.

6. This case is pending at the stage of investigation. Therefore, at this stage, this Court is not inclined to the quash the FIR in Crime No.10 of 2025, based on the grounds raised by the petitioners.

7. The grounds raised by the petitioners can very well be considered by the Investigating Officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The Investigation Officer is not supposed to conduct the investigation in a mechanical manner based on the complaint and evidence if any produced by the defacto complainant. The Investigating Officer is expected to conduct the



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investigation in a fair manner by considering the evidence produced by the defacto complainant as well as by the accused. In the event, if the petitioners/A3 and A4 have not involved in the commission of offence, then, the respondent Police must fairly file the final report by deleting the name of the accused 3 and 4.

8. With a hope that the respondent Police would conduct the investigation in a fair manner, this Criminal Original Petition is closed.

11.06.2025

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

1. The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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