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Crl.OP(MD)No.10987 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.10987 of 2024

and

Crl.M.P.(MD)No.7240 of 2024

P.Manoj Kumar

... Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.176 of 2024)

... Respondent No.1

2. T.Indhirani,

... Respondent No.2 /
De facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned FIR in Crime No. 176 of 2024 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.Aayiram K.Selvakumar

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)



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For R-2 : M/s. G.Mutharasu

ORDER

Seeking to quash the FIR in Crime No. 176 of 2024 on the file of the 1st respondent police, this Criminal Original Petition is filed.

2. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in crime No.176 of 2024 for the alleged offences under Section 294(b), 506(1), and 379 IPC and 4 of the TNPHW Act. He further submitted that Section 379 with respect to the concealment of the documents belonging to the properties belonging to the *de facto* complainant. The learned counsel for the petitioner submitted that the *de facto* complainant is the petitioner's mother, and because of certain family quarrels, he has been falsely implicated.

3. Per contra, the learned counsel for the *de facto* complainant categorically submitted that due to the indifferences between the petitioner and the *de facto* complainant, the petitioner had pulled and pushed her down, as a result of which she suffered a fractured



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hip and hence only a first information report was filed, and it is not necessary to indulge in quashing the same before completion of the investigation.

4. The learned Government Advocate (Crl. side) on instructions submitted that it is not only the petitioner who is the son of the *de facto* complainant there are four other siblings. Despite the same, the petitioner had managed to take away the document belonging to the undivided property of the family from the mother. Only for that purpose, section 379 has been added, and as far as 294(b) and 506(1), the ingredients of the FIR itself would disclose that the necessary ingredients have been made out.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. This Court is of the considered view that the allegations in the FIR disclose *prima facie* commission of the offences alleged. The materials on record do not justify interference under Section 528 BNSS. The issues raised by the petitioner involve disputed questions



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of fact and appreciation of evidence, which can be adjudicated only during trial.

7. The inherent jurisdiction of this Court is meant to prevent miscarriage of justice, not to stifle legitimate prosecution at the threshold. In the present case, the prosecution cannot be said to be frivolous or vexatious.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

16.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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