



Crl.O.P.(MD)No.10725 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 25.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.10725 of 2025 and
Crl.MP(MD) Nos.8057 & 8058 of 2025

Pachaiammal

... Petitioner

Vs

1.State of Tamil Nadu,
Rep by
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
Crime No.211 of 2024

2.Azhagupponnu

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the charge sheet in STC No.117 of 2025, on the file of the Judicial Magistrate, Athoor under Section 296(b) and 351(2) of BNS, 2023, in relation to FIR in Crime No.211 of 2024, dated 21.11.2024, on the file of the first respondent police and quash the same.

For Petitioner
For R1

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

ORDER

The petitioner is the sole accused in STC No. 117 of 2025,



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on the file of the learned Judicial Magistrate, Athoor. The said case was registered on the complaint of the second respondent/ defacto complainant that this petitioner has abused the defacto complainant in the presence of a witness, on 21.11.2024 at about 8:00 a.m. On the complaint of the second respondent, the case was registered as against this petitioner in Crime No.211 of 2024, for the offence under Sections 296(b) and 351(2) of BNS. The first respondent after completing the investigation in Crime No.211 of 2024, has filed the final report as against this petitioner and the same is taken on file by the learned Judicial Magistrate, Athur in STC No.117 of 2025. The petitioner has moved this application to quash the above proceedings.

2.The learned counsel for the petitioner submits that the main allegation as against the petitioner is that she has abused the defacto complainant on 21.11.2024 for having deposed in CC No. 38 of 2019 as against the petitioner on 19.11.2024. The respondent police has now filed the final report, based on the statement given by the complainant and also an eyewitness for the occurrence. According to the petitioner, the case in CC No. 38 of 2019 itself is a false case, which was foisted in



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a civil dispute. It was quashed by this Court in Crl OP(MD) No. 6701 of 2024, dated 29.04.2025. While so, there is no purpose for the petitioner to intimidate the defacto complainant and therefore, there is no justification in proceeding with the case in STC 117 of 2025 as against this petitioner.

3.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl.side), who takes notice for the first respondent submits that the second respondent/ the defacto complainant is a witness in CC No. 38 of 2024 and her evidence was recorded by the trial court in CC No.38 of 2014 on 19.11.2024. The defacto complainant has deposed as against this petitioner in CC No.38 of 2019. Therefore, this petitioner is having a motive as against the defacto complainant for having deposed in CC No. 38 of 2014 and has abused her. The grounds raised by the petitioner can be appreciated only during the trial. Therefore, the learned Government Advocate strongly opposed for entertaining this application.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner is the sole accused in STC No. 117 of 2025.

This case itself has been registered on the complaint of the second respondent defacto complainant that she was abused and intimidated by the petitioner for having deposed as against her in CC No.38 of 2019 on 19.11.2024. Admittedly, the defacto complainant was a witness ranked as PW4 in CC No.38 of 2019 and her evidence was recorded by the learned Judicial Magistrate on 19.11.2024 in CC No.38 of 2019. For the alleged occurrence took place on 21.11.2024, two days after the defacto complainant's deposition, dated 19.11.2024, this complaint was lodged. The learned Government Advocate relied upon the statement given by the complainant and also an eyewitness for the occurrence. The veracity of the statements made by the complainant and the other eyewitnesses can be tested only during the trial. The subsequent quashment of the proceedings in CC No. 38 of 2024 cannot absolve this petitioner from the commission of offense and on such ground, she cannot be acquitted. The petitioner is at liberty to raise the grounds raised in this petition during the trial in STC No.117 of 2025.



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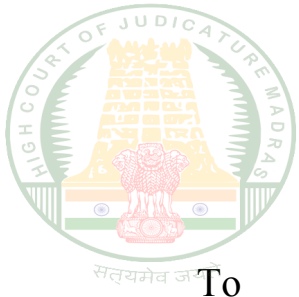
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6.The learned counsel for the petitioner claims that this case itself has been foisted on account of the civil dispute and the petitioner is a woman aged 68 years and therefore, he requested for dispensing with her personal appearance during the trial. He further submits that the petitioner is suffering with several ailments and she is not in a position to appear before the trial court on each and every hearing. The petitioner can avail the remedy, which is available to her under Section 228 BNSS (205 of Cr.P.C), by filing necessary application. The trial Court shall consider the merits of the application, if any filed for dispensing the personal appearance.

7.With such liberty, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous petitions are closed.

25.06.2025

NCC : Yes/No
Index : Yes/No
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The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.



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B.PUGALENDHI,J

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Order made in
CrI.OP(MD)No.10725 of 2025 and
CrI.MP(MD) Nos.8057 & 8058 of 2025

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