



CrI.O.P.(MD)No.10993 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10993 of 2025
and
CrI.M.P.(MD)No.8240 of 2025

Manikandan

... Petitioner

Vs.

1.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.358 of 2024)

2.Murugan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in Crime No.358 of 2024 on the file of the first respondent Police and quash the same as against the petitioner herein.

For Petitioner

: Mr.P.T.Ramesh Raja

For R1

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



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ORDER

The petitioner, who is A1 in Cr.No.358 of 2024 on the file of the first respondent Police, has filed this petition to quash the said proceedings.

2.The learned counsel appearing for the petitioner submits that the averment made in the first information report is nothing but civil in nature, however, a criminal case has been foisted as against the petitioner and two others by the respondent Police.

3.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the petitioner herein is arrayed as A1 and A3 in this case has already filed a quash petition before this Court in CrI.O.P.(MD)No.21716 of 2024 and the same was dismissed, vide order dated 11.12.2024. He further submits that A3 has made allegations as against A1 & A2 in the said petition that he has only introduced A1 & A2 to the defacto complainant and all the offences were committed only by A1 & A2. Even this plea of A3 has not been considered by this



WEB COPY Court. He also submits that they have examined five witnesses and the investigation is pending.

4.This Court has considered the submissions made on either side and perused the available materials.

5.The petitioner claims that it is only a civil dispute, however, the same is projected with a criminal colour. The third accused in Cr.No.358 of 2024 has already filed a quash petition in Crl.O.P.(MD)No.21716 of 2024, wherein this Court has directed the investigating agency to conduct investigation. As pointed out by the learned Government Advocate(Crl.side), A3 has made allegations as against A1 & A2 and he has only introduced the defacto complainant to A1 & A2, however, even this plea has not been accepted while deciding the similar application filed by A3.

6.It appears that the respondent Police has examined five witnesses and the investigation is still pending. The grounds raised by the petitioner can be appreciated only after filing of final report. The investigation is the process of finding out the truth. The respondent



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police are not supposed to conduct the investigation in a mechanical manner, only based on the complaint of the defacto complainant and the witnesses, if any, produced by the defacto complainant. They have to conduct the investigation in a fair manner by taking note of the materials and the documents if any placed by the accused also. Therefore, this Court at this stage is not inclined to interfere with the investigation in Cr.No.358 of 2024. The investigation agency shall find out the truth and to file the final report. Since the case is at the stage of investigation and this Court dismissed the quash petition filed by the co-accused, this Court is not inclined to quash the first information report.

7.With the above observations, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

30.06.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
gns



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To
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- 1.The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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