



*CrIOP(MD)No.11128 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 09.07.2025

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

CrIOP(MD)No.11128 of 2025 and  
CrIMP(MD)Nos.8365 and 8366 of 2025

1.Anburaj

2.Karuppaiah

3.Sudhandhiram

4.Bharathi

... Petitioners

Vs

1.The State of Tamil Nadu,  
rep by the Sub Inspector of Police,  
Arimalam Police Station,  
Pudukottai District.

2.Umarani

... Respondents

Prayer: This petition is filed under Section 528 of BNSS 2023, to call for the records in CC.No.159 of 2024 on the file of the Judicial Magistrate Court, Thirumayam and quash the same.

For Petitioners : Mr.A.Ramesh

For R1 : Mr.A.S.Abul Kalaam Azad  
Government Advocate (CrI. Side)



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## **ORDER**

The petitioners are accused 1 to 4 in CC.Nos.159 of 2024 on the file of the learned Judicial Magistrate, Thirumayam and they have filed this petition to quash the above proceedings.

2.The case has been registered against the petitioners in Crime No. 100 of 2023 on 21.07.2023 on the file of the 2<sup>nd</sup> respondent police for the offence under Sections 294(b), 323, 324, 354 and 506(ii) IPC. The respondent police after completing investigation, have filed a final report on 15.12.2023 before the learned Judicial Magistrate, Thirumayam and the same was taken on file in CC No.159 of 2024.

3.The case of the petitioners is that this complaint is a foisted one to wreak vengeance as against the petitioners. The 1<sup>st</sup> petitioner being the vice president of the panchayat, lodged a complaint before the Food Safety Department against the 2<sup>nd</sup> respondent's brother one AL.Ganesan, who is doing oil business without any permission. Therefore an inspection was made and samples were taken from the shop on 20.07.2023. With this motive the 2<sup>nd</sup> respondent's brother

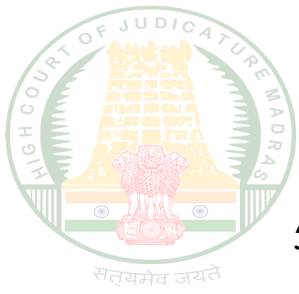


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AL.Ganesan along with his family members appears to have assaulted the petitioners on 21.07.2023 at about 4.45 pm. The petitioners suffered injuries. In order to escape from that incident the 2<sup>nd</sup> respondent / defacto complainant foisted this false complaint as against the petitioners, as if they were attacked by the petitioners. Therefore, according to the petitioners, this case in Crime No.100 of 2023 is a foisted one to wreak vengeance and the respondent police have filed the final report without verifying the incident on 21.07.2023.

4.The learned Counsel for the petitioners by referring to the statement of one Ponnammal submits that the respondent police have registered the case based on the evidence of the hearsay witness. He also submits that these petitioners have sustained injuries and took treatment in a hospital. However, without considering the incident, in which the petitioners have suffered injuries, the respondent police have registered a case against them and also filed the final report as against them. He also submits that no one has sustained injury in this case. However, a case has been registered under Sections 323 and 324 IPC also.

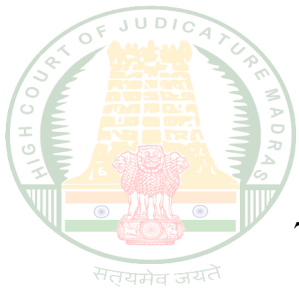


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5.The learned Government Advocate (Crl Side) by referring to the statement recorded under Section 161(3) CrPC from the Doctor of the Government Hospital, Thirumayam submits that there are two victims in this case, viz the defacto complainant Umarani and one Alagu. He further submits that the defacto complainant Umarani suffered injuries and was admitted vide AR No.5641, in the Government Hospital, Thirumayam on 20.07.2023 at about 8.20 pm. She was treated as an inpatient and was discharged on 26.07.2023. Insofar as other injured Alagu is concerned, he was also admitted on the same day at about 10.00pm vide AR No. 5642. He was treated as an inpatient and was discharged from hospital on 24.07.2023.

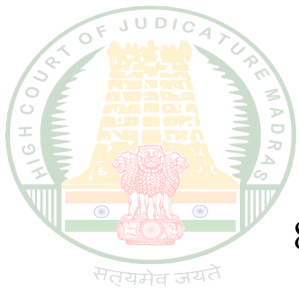
6.The learned Government Advocate has also relied on the statements of the injured persons viz., defacto complainant Umarani and one Alagu and submits that they are the eye witnesses to the occurrence. That apart the prosecution has relied on two more eye witnesses Ponnammal and Priya, since this occurrence, in which Umarani was attacked, is a continuous occurrence to the earlier incident took place in the house of Ponnammal.



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7. The learned Government Advocate further submits that there was an incident in the house of Ponnammal on 20.07.2023 at about 6.00pm, wherein the petitioners have assaulted the witness Priya and that was questioned by the defacto complainant Umarani. Thereafter Umarani was assaulted, when she was passing through Sarakku palam. Therefore, the learned Government Advocate submits that Ponnammal is also an eye witness for the occurrence said to have taken place on 20.07.2023 at about 6.00pm in her house when Priya was assaulted. Priya is the other injured and is also cited as an eye witness to the occurrence. With regard to the certificates relied on by the petitioners, they are issued by the Primary Health Centre at Arimalam on 20.07.2023. The accused Karuppaiah and Sudhandhiram appeared before the Primary Health Centre, Arimalam on 20.07.2023 and claimed that they were assaulted by known persons around 5.30pm. The accused Karuppaiah reported pain in his right eye and Sudhandhiram reported pain in his right shoulder. They have not lodged any complaint. Therefore with the available materials the respondent police have conducted investigation on the complaint of Umarani and found that Umarani was attacked by the accused persons and they have filed the final report based on the statements of the eye witnesses and the evidence of the Doctor.



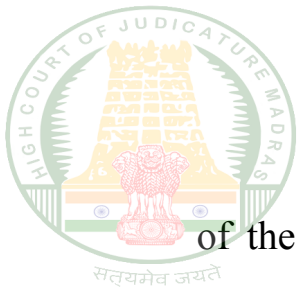
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8.This Court considered the rival submissions made and perused the materials placed on record.

9.The respondent police have filed the final report as against the petitioners as under under:

| Accused Name                      | Charged for the offence under Sections     |
|-----------------------------------|--------------------------------------------|
| A1- Anburaj                       | 294(b), 323 (4 counts), 354 & 506(ii), IPC |
| A2-Karuppaiah<br>A3- Sudhandhiram | 294(b), 323(4counts) & 506(ii) IPC         |
| A4-Bharathi                       | 294(b), 323(4counts), 324 & 506(ii) IPC    |

10.Though the learned Counsel for the petitioners has projected the case that was registered, investigation was conducted and final report is also filed based on the evidence of hearsay witness, the final report reveals that the 2<sup>nd</sup> respondent / defacto complainant and another suffered injuries on 20.07.2023, were admitted in the Government Hospital, Thirumayam on 20.07.2023 at 8.20pm and 10.30pm and were treated as inpatients till 26.07.2023 and 24.07.2023 respectively. These two witnesses were treated vide AR Nos.5641 and 5642. The statement



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of the Doctor is also recorded and relied on in the final report. Apart from these two injured persons, the prosecution has shown two other persons namely Ponnammal and Priya as eye witnesses to the occurrence, but they are not witnesses to the occurrence, where Umarani was assaulted. However their statements reveal the incident, wherein Umarani was assaulted, pursuant to the incident took place in the house of Ponnammal, where LW4 Priya was assaulted by the petitioners. There is no wound certificate for Priya. However the respondent police received the wound certificate for LW1 and LW2, relied on their statements and filed the final report.

11.The petitioners took a stand that the 1<sup>st</sup> petitioner is the vice president and therefore he lodged a complaint against the brother of the defacto complainant, who is running an oil mill without any permission. However there is no material placed before this court to that effect. In the event if any complaint had been lodged, the same can be appreciated only during the trial. Though the petitioners have relied on the certificates issued by the Primary Health Centre, these can be relied on by the petitioners during the course of trial. This cannot be a ground to quash the proceedings, which is pending against the petitioners.



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Therefore this Court is not inclined to quash the proceedings.

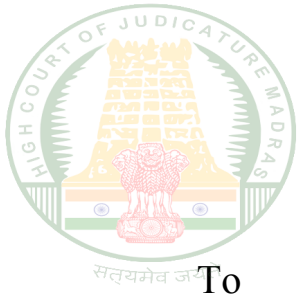
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12.The petitioners have projected, as if they are charged without any materials, merely based on the hearsay witness. The learned Counsel by referring to the evidence of Ponnammal has projected the case that final report has been filed based on the hearsay witness. He has also made a firm argument that when no one is injured, the respondent police have registered the case and filed the final report. However even when the case is listed for admission, the learned Government Advocate (Crl Side) is fully prepared and ready with the case and has pointed out the statement of the Doctor and also the statements of the injured eye witnesses. This Court places its appreciation to the learned Government Advocate Mr.Abul Kalaam Azad, for his preparedness and defending the case effectively, at the stage of admission itself.

In the result this criminal original petition is dismissed. The petitioners can raise all the grounds before the trial Court. Consequently connected miscellaneous petitions are closed.

**09.07.2025**

DSK



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To  
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- 1.The Judicial Magistrate,  
Thirumayam.
2. The Sub Inspector of Police,  
Arimalam Police Station,  
Pudukottai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

DSK

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