



Crl.O.P.(MD)No.12042 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.08.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12042 of 2025
and Crl.M.P.(MD)No.9267 of 2025

Suganthirani

... Petitioner

versus

1. State represented by
The Inspector of Police,
District Crime Branch,
Dindigul District.

2. Dr.Meenal

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the First Information Report (FIR) in Crime No.21 of 2024 dated 17.12.2024 pending on the file of the 1st respondent Police and quash the same against the petitioner.

For Petitioner : Mr.T.Lenin Kumar

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

For R2 : Mr.K.Jeyamohan



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ORDER

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The petitioner is the seventh accused in Crime No.21 of 2024 on the file of the respondent Police for the offence under Sections 109, 120B, 417, 420, 464, 465, 467, 468, 148, 447, 294(b) and 506(2) IPC. She has filed this petition seeking to quash the proceedings pending as against her in Crime No.21 of 2024.

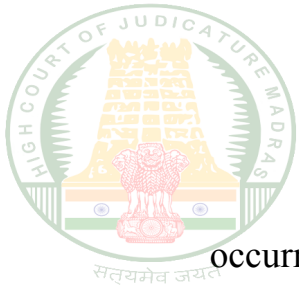
2. The learned counsel for the petitioner submits that the petitioner has been implicated as an accused since she happens to be the wife of the second accused. He further submits that the petitioner is working as a Head of the Department in the Government Polytechnic College at Udhagamandalam and she was very much available in the College at the time of occurrence. He further submits that the alleged occurrence said to have taken place on 10.11.2023. On that day, the petitioner was on examination duty. However, this case has been foisted as against this petitioner.



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3. Mr.K.Jeyamohan, learned counsel appearing for the 2nd

respondent submits that the defacto complainant is a woman aged about 78 years and practising as a Doctor. According to him, the occurrence had taken place on 12.11.2023 and she also lodged a complaint on the same day, but, the said complaint was not registered by the respondent Police. Therefore, the defacto complainant has lodged a complaint before the learned Judicial Magistrate No.II, Dindigul, under Section 156(3) Cr.P.C. The learned Judicial Magistrate, by order dated 17.05.2024, directed the respondent Police to conduct an enquiry and register a case, if any cognizable offence is made out. Only after the direction of the learned Judicial Magistrate, the respondent Police conducted the enquiry and registered a case in Crime No.21 of 2024 on 17.12.2024. According to him, the defacto complainant has inadvertently mentioned the date of occurrence as 10.11.2023 instead of 12.11.2023 in the application filed before the learned Judicial Magistrate No.II, Dindigul. After the registration of the FIR, this mistake has been noted and immediately, the defacto complainant has intimated the same to the respondent Police. He further submits that a further statement has also been given by the defacto complainant with regard to the date of



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occurrence that it is only on 12.11.2023.

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4. The learned counsel appearing for the defacto complainant has also relied on a Judgment passed by the Hon'ble Supreme Court in ***Rajendra Singh vs. State of U.P. and others*** reported in ***2008 1 L.W. (CrI.) 362*** and submits that the ground of alibi is a matter for investigation and it is not a matter for quashment.

5. The learned Government Advocate (CrI. Side) submits that the case was registered pursuant to the direction given by the learned Judicial Magistrate under Section 156(3) Cr.P.C. and the investigation is at the initial stage. They have collected the materials from the Polytechnic College and they are also verifying with the records as to the possibility of the petitioner's presence in the occurrence place on the date of occurrence.

6. This Court considered the rival submissions made.



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7. The petitioner, a Professor, has been added as accused No.7 in Crime No. 21 of 2024 on the file of the respondent Police. This petition has been filed on the ground of alibi that the petitioner was on examination duty at Kothagiri on the date of occurrence on 10.11.2023. According to the defacto complainant, the date of occurrence is 12.11.2023 and not 10.11.2023. The defacto complainant further claims that she has given a further statement to that effect. The learned counsel for the petitioner disputed the same and submitted that the defacto complainant has corrected her stand after filing of this application.

8. Be that as it may. This petition has been filed on the ground of alibi. The Hon'ble Supreme Court in ***Rajendra Singh vs. State of U.P. and others*** reported in ***2008 1 L.W.(Crl.) 362*** has held as follows:

“6. The High Court has basically relied upon the statements of six witnesses which had been recorded by the investigating officer under Section 161 Cr.P.C. to record a positive finding that the respondent could not have been present at the scene of commission of the crime as he was present in a meeting of Nagar Nigam at Allahabad. A statement under Section 161 Cr.P.C. is not



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a substantive piece of evidence. In view of the proviso to Sub-section (1) of Section 162 Cr.P.C., the statement can be used only for the limited purpose of contradicting the maker thereof in the manner laid down in the said proviso. Therefore, the High Court committed a manifest error of law in relying upon wholly inadmissible evidence in recording a finding that Kapil Dev Singh could not have been present at the scene of commission of the crime.”

9. The ground raised in this petition is a matter for investigation, which has to be considered by the investigating agency during the investigation. The investigation is a process of finding out the truth. The investigating agency has to conduct the investigation in a proper manner and to find out the truth. The investigating agency is not expected to conduct the investigation in a mechanical manner based on the statements of the complainant and witnesses if any produced by the complainant. They have to conduct the investigation based on the ground raised by the petitioner in this petition and also the witnesses if any produced by the petitioner.



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10. With a hope that the investigation agency would conduct the investigation in a proper manner, this Criminal Original petition is closed. The petitioner is at liberty to furnish the documents available with her to the respondent Police. The respondent Police is expected to verify the same before filing the final report. In the event, if the final report is filed as against the petitioner, it is always open to her to challenge the same in the manner known to law. Consequently, connected miscellaneous petition is closed.

04.08.2025

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

1. The Inspector of Police,
District Crime Branch,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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