



Crl.O.P.(MD)No.13898 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD)No.13898 of 2024
and
Crl.M.P(MD)Nos.8613 & 8615 of 2024

1.Palaniappan

2.Saravana Kumar

... Petitioners

Vs.

1. The State of Tamil Nadu
Rep. by The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.450/2019)

2.Ramalingam

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned charge sheet in C.C.No.1785/2022 on the file of Judicial Magistrate, Melur and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand
for Mr.M.M.Manivelpandian

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

The petitioner seeks quashing of the Final Report filed for the offence under Sections 294(b), 324, 506(ii) of IPC.

2. The allegation in the final report is that the petitioners are the tenants under the defacto complainant who is the second respondent herein; that on 17.10.2019, at about 8.30 a.m., the petitioners had abused the defacto complainant in filthy language, caused injury to the defacto complainant by attacking with sticks and thus committed the aforesaid offences.

4.The learned counsel for the petitioners would submit that the reason for lodging the complaint which culminated in the impugned final report is that the petitioners refused to vacate the property of the defacto complainant; that subsequently the parties arrived at a compromise; that the petitioners have vacated the premises; and that the fact that the petitioners and the defacto complainant had entered into a compromise is also recorded in O.S.No.19 of 2020, on the file of the District Munsif Court, Madurai Taluk, Madurai.



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5.The learned counsel would further submit that the petitioners came to know that the defacto complainant is no more; and that in view of the settlement and in view of the subsequent developments, no useful purpose would be served in keeping the final report pending for trial and sought for quash of the final report.

6. The learned counsel for the petitioners would further submit that the petitioners also lodged a complaint against the defacto complainant; and that in view of the compromise they do not wish to pursue the case which is pending on their complaint in Crime No.449 of 2019. The said submission is taken on record.

7. The learned Additional Public Prosecutor confirmed the fact that the dispute was between the landlord and the tenant and had confirmed that the second respondent is no more. He further submitted that the impugned final report has not been taken cognizance by the learned Judicial Magistrate as some of the accused were deleted in the final report and hence notice was issued to the defacto complainant and it is still at that stage.



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8. Admittedly, the dispute between the petitioners and the defacto complainant is a tenant and landlord dispute. It is reported that the petitioners also had lodged a complaint against the landlord/R2. The parties have since settled the matter out of Court which has been recorded by the District Munsif, Madurai Taluk in O.S.No.19 of 2020 as stated earlier. Further, the offence under Sections 294(b) and 506(ii) of IPC are not made out on the allegations. There is no allegation of any obscene act committed or any obscene words said to have been uttered by the petitioners and the allegation also does not suggest any real threat to the defacto complainant. Admittedly, there is no external injury on the defacto complainant.

9. Therefore, considering the aforesaid facts, this Court is of the view that no useful purpose would be served even if ultimately the learned Judicial Magistrate takes cognizance of the offences in the final report. Accordingly the FIR in Crime No.450/2019 dated 17.10.2019 on the file of the first respondent and the final report filed by the 1st respondent is quashed. In view of the submission and the statement made by the learned counsel for the petitioners, on the petitioners' instructions, that they do not wish to pursue Crime No.449 of 2019 lodged by them, the said FIR is also quashed.



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10. Accordingly, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

17.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PJL

To

1.The Inspector of Police,
Othakadai Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

PJL

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