



CrIOP(MD)No.11650 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.11650 of 2025 and
CrI MP(MD)Nos.8832 and 8834 of 2025

Theiventhiran

... Petitioner

Vs.

1.The State of Tamil Nadu rep by
the Inspector of Police,
Manamadurai Police Station,
Manamadurai,
Sivagangai District.

2.Gopalakrishnan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records relating to the proceedings in CrI MP(MD)No.894 of 2025 on the file of the learned Judicial Magistrate, Manamadurai, Sivagangai and quash the same as against this petitioner.

For Petitioner	: Mr.RM.Arun Swaminathan
For R1	: Mr.P.Kottaichamy, Government Advocate (CrI. Side)



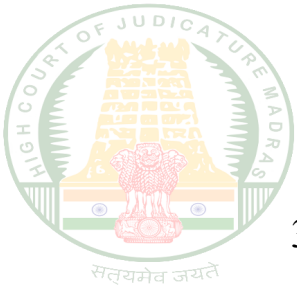
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ORDER

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The petitioner / accused No.1 in the final report filed by the respondent in CrlMP(MD)No.894 of 2025 on the file of the learned Judicial Magistrate, Manamadurai, has filed this petition to quash the final report filed as against the petitioner.

2.The learned counsel for the petitioner submits that the petitioner has filed a civil suit as against his younger brother before the Sub Court, Manamadurai in OS.No.90 of 2024 on 10.06.2024. After filing of the civil suit, this complaint as against the petitioner has been foisted on 12.07.2024 as if the petitioner has trespassed into the land, abused and also assaulted with hand. The learned counsel further submits that the petitioner is having a piece of land in S.No.483 and patta also stands in his name. With regard to the other property, he has filed a suit for partition. When the partition suit is pending the defacto complainant without any authority has lodged a complaint as if there is a trespass, abuse and also assault. This case according to the learned Counsel for the petitioner is a false one to wreak vengeance and to defeat the civil suit.



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3.The learned Government Advocate submits the case was originally registered for the offence under Sections 296(b), 329(4), 324(2), 118(1), 115(2) and 351(3) BNS. The final report has been filed on 06.03.2025 deleting three unknown accused and also by deleting the offence under Sections 118 and 351(3) of BNS. He further submits that the final report is yet to be taken on file by the learned Judicial Magistrate. Since some of the accused are deleted and some of the offences are also deleted in the final report, the learned Judicial Magistrate has ordered notice to the defacto complainant to file his objections if any on the final report. The defacto complainant has not appeared and therefore, the case has been adjourned to 09.05.2025, 27.06.2025 and to 01.08.2025. Therefore, according to the learned Government Advocate, the final report itself has not been taken on file by the trial Court and it is still pending for objections of the defacto complainant.

4.This Court considered the rival submissions made.

5.The petitioner has made certain allegations that the accused foisted this false complaint for having filed the civil suit in OS.No.90 of



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2024. The respondent police have conducted investigation and filed the final report by deleting three unknown accused and some of the offences.

Now the case is posted to 01.08.2025. Since the final report has not been taken on file by the trial Court, the petitioner can file objections before the learned Judicial Magistrate. In the event if the learned Judicial Magistrate is satisfied with the objections of the defacto complainant as to the reasons for including certain offences and including certain accused, the learned Judicial Magistrate shall also order for further investigation.

With the above observation, this petition is closed. Consequently connected miscellaneous petitions are closed.

14.07.2025

DSK

To

- 1.The Judicial Magistrate,
Manamadurai, Sivagangai.
- 2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai, Sivagangai 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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