



CrL.R.C.(MD)No.936 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.936 of 2025

and

CrL.M.P.(MD)Nos.9911 and 9914 of 2025

Lakshmi

... Petitioner

-VS-

The State of Tamil Nadu Rep. by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.255 of 2022).

... Respondent

PRAYER : Criminal Revision Case filed under 438 r/w. 442 of BNSS, 2023, to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Additional Mahila Court, Madurai, in Cr.M.P.No.4323 of 2024 in C.C.No.577 of 2024 vide her order dated 02.06.2025 and set aside the same.

For Petitioner : Mr.R.Anand

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed challenging the order passed by the learned Principal Judicial Magistrate, Additional Mahila Court, Madurai, in Cr.M.P.No.4323 of 2024 in C.C.No.577 of 2024 dated



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02.06.2025.

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2.The petitioner/Accused No.2 seeks interference of this Court on the ground that the order suffers from non-application of mind and that the materials available on record do not disclose any *prima facie* case against her.

Factual Background:-

3.The prosecution case in brief is that on 28.07.2022, one Anandan lodged a complaint alleging that while he erected poles on a disputed land at Velachery Village, accused persons including Mathivanan (A1) and others, criminally trespassed, abused, assaulted and threatened him and his workers. Based on the said complaint, Crime No.255 of 2022 was registered for offences under Sections 147, 294(b), 323, 341, 447, 427, and 506(ii) IPC. During investigation, the police deleted the names of two accused (Sivabalan and Chandrasekaran), but in their place, added the petitioner, Lakshmi (wife of A1), though her name did not figure in the FIR. In the final report, she was arrayed as A2 for offences under Sections 294(b), 323, 427 and 506(ii) IPC. The petitioner sought discharge, contending that there was no overt act attributed to her even in the statements recorded under Section 161 Cr.P.C. The learned Trial Court, however, dismissed the discharge petition, holding that *prima facie* materials exist and that suspicion is sufficient to proceed.



Submissions:-

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4.The learned counsel appearing for the petitioner contended that there is no specific allegation against the petitioner either in the FIR or in witness statements. The learned Trial Court itself recorded that suspicion surrounds the case, yet erroneously dismissed the discharge petition.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner lodged a counter case relating to injuries sustained by her husband/A1 and the very existence of the cross-case is a strong indicator of her presence at the scene and participation in a property-related altercation. It was argued that “strong suspicion founded on materials” is sufficient to frame charges and therefore, the learned Magistrate has rightly dismissed the discharge petition . Further it was argued strongly that strong suspicion founded on materials is sufficient to frame charges and the learned Magistrate has rightly dismissed the discharge petition.

5.1.Reliance was also placed on:

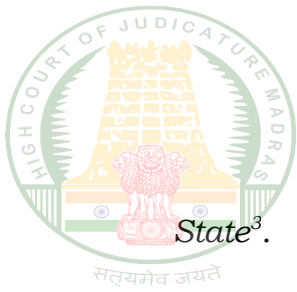
(i)*Ram Prakash Chadha v. State of Uttar Pradesh*¹.

(ii)*Nathi Lal & Ors. v. State of Uttar Pradesh*².

(iii)Full Bench judgment of Madras High Court in *T. Balaji & Anr. v.*

1 (2024) 10 SCC 651

2 1990 Supp SCC 145



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6. Heard the learned counsels on both sides and carefully perused the materials available on record.

Points for Determination:-

(i) Whether the Trial Court was justified in dismissing the discharge petition under Section 239 Cr.P.C.?

(ii) Whether the materials placed disclose any prima facie case or strong suspicion against the petitioner warranting continuation of trial?

Relevant Legal Provisions:-

7. Section 239 Cr.P.C. (now Section 250 BNSS, 2023):-

If upon considering the police report and the documents sent with it under Section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused, and record his reasons for doing so.

Judicial Precedents:-

8. In ***Ram Prakash Chadha v. State of Uttar Pradesh***⁴, the Hon'ble Supreme Court held :

³ CrL.O.P.Nos.4587 and 2706 of 2023

⁴ Supra 1



“3.Before narrating the facts, we should bear in mind that exercise of power under Section 227 Cr.P.C., is legally permissible only by considering “the record of the case and the documents submitted therewith. Therefore, necessarily, the question is what is the meaning of the expression “the record of the case and documents submitted therewith”? According to us, it refers only to the materials produced by the prosecution and not by the accused.

6.We referred to the provisions under Section 227 and the decision in Debendra Nath Padhi case only to conclude that even for the purpose of referring to the facts leading to the case , as also for consideration of the contentions for the purpose of Section 227 CrPC, we cannot refer to the grounds carrying or referring to the case of the appellant-accused, in view of the aforesaid provisions of law and position of law , requiring to confine such consideration only with reference to the materials produced by the prosecution”

9.In **State of West Bengal v. Anil Kumar Bhunja**⁵, the Hon’ble Supreme Court clarified:

“Where a case is at the stage of framing charges and the prosecution evidence has not yet commenced, the Magistrate has to consider the question of sufficiency of ground for proceeding against the accused on a general consideration of materials placed before him by the investigating police officer. The truth, veracity and effect of the evidence which the prosecutor proposes to adduce are not to be meticulously judged. The standard of test, proof and judgment which is to be applied finally before finding the accused guilty or otherwise, is not exactly to be applied at the stage of Section 227 or 228 of the Code of Criminal Procedure,1973. At this stage, even a strong suspicion founded upon materials before the Magistrate, which leads

5 AIR 1980 SC 52



him to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged, may justify the framing of charge against the accused in respect of the commission of that offence.”

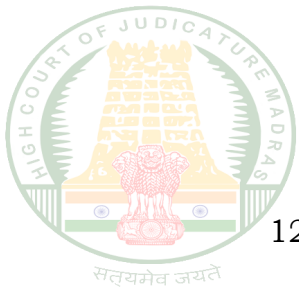
10. In the case of **State of Orissa vs Debendranath Padhi**⁶, the Hon’ble Supreme Court observed:

“The law is that at the time of framing charge or taking cognizance the accused has no right to produce any material. No provision in the Code of Criminal Procedure, 1973 grants to the accused any right to file any material or document at the stage of framing of charge. That right is granted only at the stage of trial. It is well settled that at the stage of framing of charge the defence of the accused cannot be put forth. The acceptance of the contention of the accused would mean permitting the accused to adduce his defence at the stage of framing of charge and for examination thereof at that stage which is against the criminal jurisprudence.”

11. In **Nathi Lal & Ors. v. State of U.P.**⁷, the Hon’ble Supreme Court observed that ‘the principle governing cross-cases and mutual allegations in a common transaction underscores that both versions require trial on their own evidence; the mere existence of rival FIRs is not a ground to stifle the prosecution at the threshold.’

⁶ (2005) 1 SCC 568

⁷ Supra 2



12.Full Bench of Madras High Court in **T.Balaji & Anr. v. State**⁸, has reiterated that '*the circumscribed scope of interference at the pre-trial stage and the duty to test only whether the materials disclose the ingredients of the offences or at least raise a strong suspicion warranting a full trial.*'

Analysis:-

13.The petitioner's principal submission is that she is not named in the FIR and that no specific overt act is attributed to her in the Section 161 Cr.P.C., statements. The investigative development, however, shows that based on statements recorded and other material collected, the Investigating Officer filed an alteration report and a final report on 07.01.2023, implicating A1 and the petitioner/A2.

14.The learned Trial Court has recorded that suspicion surrounds the case *qua* the petitioner and proceeded to dismiss the discharge petition. The question is whether such an approach is legally sustainable under Section 239 Cr.P.C./Section 250 BNSS.

15.The governing test, as culled out from **Anil Kumar Bhunja**⁹ and **Debendranath Padhi**¹⁰, is two-fold: (i) the Court must confine itself to the prosecution's materials; and (ii) if those materials, taken at face value and

⁸ Supra 3

⁹ Supra 5

¹⁰ Supra 6



without meticulous weighing, disclose the ingredients of the offence or raise a strong suspicion about the accused's involvement, discharge must be declined and the matter must proceed to trial. The exposition in **Ram Prakash Chadha**¹¹ further cautions against drawing upon defence materials or embarking upon a roving enquiry at this stage.

16. Applying the above yardstick, the following features are material:

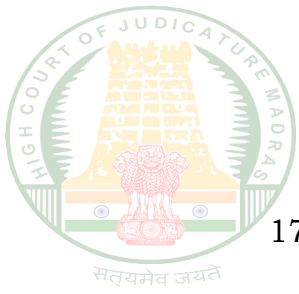
(a) the incident admittedly stems from a property dispute culminating in altercations;

(b) there is a cross-case lodged by the petitioner's side concerning injuries to A1 (her husband), which the prosecution relies upon to indicate the petitioner's presence at the scene;

(c) notwithstanding that the FIR did not originally name the petitioner and that the alteration report treated "unknown men and women" mentioned in the FIR as by-standers, the investigation culminated in a final report specifically arraying the petitioner/A2 for offences under Sections 294(b), 323, 427 and 506(ii) IPC; and

(d) the statements under Section 161 Cr.P.C., 1973, and the accompanying case diary materials have been considered by the learned Magistrate while forming the view that suspicion exists against the petitioner.

¹¹ Supra 1



17.At the stage of Section 239 Cr.P.C., 1973, the Court is not expected to weigh the probative value of the statements, test the credibility of witnesses or insist upon a detailed “overt-act” narrative matching the rigour of trial. The inquiry is not whether conviction is probable, but whether proceeding is justified. Where the materials, if unrebutted, may constitute the alleged offences, or where a strong suspicion emerges from the prosecution record, discharge is impermissible. Conversely, only where the charge is “groundless” i.e., where even if the prosecution materials are taken at their face value, the basic ingredients are absent, the accused is entitled to discharge.

18.In the case at hand, the existence of a property dispute culminating in a physical confrontation, the registration of a cross-case, and the filing of a final report naming the petitioner, together with the statements recorded, furnish sufficient grounds to proceed. The petitioner’s contention that there is “no overt act” is, in essence, a defence plea inviting this Court to undertake a meticulous appreciation of facts at a pre-trial stage, which is proscribed by ***Debendranath Padhi***¹². Equally, the reference in the alteration report to “bystanders” does not, by itself, render the charge groundless, particularly when the final report has specifically arrayed A2 and the learned Trial Court has found that suspicion exists on the materials produced by the prosecution.

¹² Supra 6



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19.The principles, distilled from **Ram Prakash Chadha**¹³, **Debendranath Padhi**¹⁴ and **Anil Kumar Bhunja**¹⁵, support the learned Trial Court's approach:

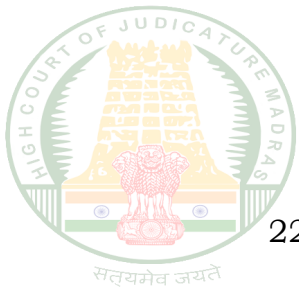
20.The Court must confine itself to the prosecution record. Strong suspicion founded on that record suffices to frame charges. Defence materials/pleas cannot be considered at the discharge stage and discharge lies only where the charge is demonstrably groundless. On these premises, the impugned order discloses no illegality, irregularity or perversity warranting interference in revisional jurisdiction.

21.On a cumulative consideration of the statutory framework and binding precedents, this Court finds no serious infirmity in the order of the learned Judicial Magistrate refusing discharge. The continuation of proceedings against the petitioner does not amount to an abuse of process of law. All observations herein are confined to the limited scope of scrutiny at the stage of Section 239 Cr.P.C./Section 250 BNSS and shall not prejudice either side at trial.

13 Supra 1

14 Supra 6

15 Supra 5



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22. Accordingly, the Criminal Revision Petition stands dismissed. The order dated 02.06.2025 in CrL.M.P.No.4323 of 2024 in C.C.No.577 of 2024 passed by the learned Judicial Magistrate, Additional Mahila Court, Madurai, is confirmed. The learned Trial Court shall proceed with the trial in accordance with law, uninfluenced by any observations on merits contained herein. Consequently, connected miscellaneous petitions, if any, are closed. No costs.

26.08.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate, Additional Mahila Court, Madurai.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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