

Crl.O.P.(MD)No.13638 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13638 of 2025
and
Crl.M.P.(MD)No.10875 of 2025

1. Syed Anwar
2. Shajathi Begum
3. Mahalingam
4. Prabu
5. Arun

... Petitioners

versus

1. The State of Tamil Nadu, through
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

2. Thanga Eswaran

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in FIR in Crime No.96 of 2025 on the file of the 1st respondent Police and quash the same.

For Petitioners : Mr.T.A.Ebenezer

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



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ORDER

The petitioners are accused Nos.1 to 5 in Crime No.96 of 2025 registered on the file of the 1st respondent police for the offence under Sections 126(2), 189(2), 132, 262, 265 and 351(2) of BNS. The said case has been registered as against the petitioners based on the complaint given by the 2nd respondent/defacto complainant.

2. The defacto complainant is a Sub Inspector of Police. He was on duty in executing a Non-Bailable Warrant issued by the learned Judicial Magistrate, Thiruvadanai, as against the 1st petitioner/A1 in STC No.171 of 2024. The second respondent appears to have identified the accused in a marriage hall and attempted to execute the warrant in the marriage hall. At that time, the first petitioner and their relatives objected to the same, due to which, there was a quarrel between the petitioners and the second respondent/defacto complainant. On the complaint of the second respondent/defacto complainant, the case in Crime No.96 of 2025 has been registered for the offence under Sections 126(2), 189(2), 132, 262, 265 and 351(2) of BNS. Now, the petitioners have moved this petition seeking to quash the FIR in Crime No.96 of 2025 registered against them.



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3. The learned counsel appearing for the petitioners submits that the criminal proceedings initiated as against the 1st petitioner in STC No.171 of 2024 on the file of the learned Judicial Magistrate, Thiruvadanai, has been challenged before this Court in Crl.O.P.(MD)No.11652 of 2025 and this Court, by order dated 11.07.2025, granted an order of interim stay. The 1st petitioner has lodged several complaints as against the activities of Keniakarai before the Chief Minister Cell and also before the Superintendent of Police. With this motive, the second respondent/defacto complainant has attempted to arrest the petitioner in a marriage hall on 08.06.2025, which created a problem on the date of occurrence. Therefore, the first petitioner has surrendered before the Police Station and lodged a complaint as against the second respondent. However, this case has been foisted as against the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the Non-Bailable warrant was issued as against the first petitioner on 24.04.2025. The second respondent/defacto complainant has identified the availability of the petitioner in a Marriage Hall and attempted to execute the Non-Bailable Warrant, at that time, the first petitioner and other accused



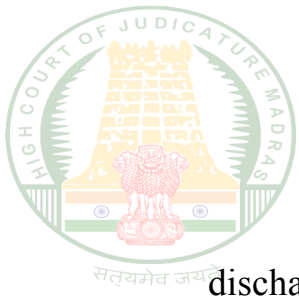
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prevented the police officer from discharging his duty and therefore, a complaint has been lodged by the second respondent before the respondent Police and the same was registered in Crime No.96 of 2025 for the offence under Sections 126(2), 189(2), 132, 262, 265 and 351(2) of BNS. He further submits that the petition filed by the first petitioner in Crl.O.P. (MD)No.11652 of 2025 seeking to quash the criminal proceedings initiated against him in STC No.171 of 2024 has been entertained by this Court and granted interim stay only on 11.07.2025. Even before that, the Non-Bailable Warrant was issued as against the first petitioner and the warrant was also executed on 08.06.2025.

5. This Court considered the rival submissions made.

6. The second respondent is a Sub Inspector of Police. A Non-Bailable Warrant was issued as against the first petitioner, by the learned Judicial Magistrate, Thiruvadanai, in STC No.171 of 2024. In order to execute the Non-bailable warrant, the second respondent, who identified the availability of the first petitioner in a marriage hall, has attempted to arrest the first petitioner and execute the warrant issued as against him. At that time, the first petitioner and others prevented the second respondent from



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discharging his duty and there was a quarrel between the parties. Therefore, the case in Crime No. 96 of 2025 has been registered as against the petitioners herein. Considering the manner in which the petitioners have prevented the second respondent from discharging his duty and executing the Non-Bailable warrant, this Court is not inclined to entertain this petition.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

18.08.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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