



CrI.O.P.(MD)No.12926 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2025

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**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CrI.O.P.(MD)No.12926 of 2025**

**and**

**CrI.M.P.(MD)No.10156 of 2025**

Paul Daniel

... Petitioner

versus

1. The State of Tamil Nadu, rep. by  
The Sub Inspector of Police,  
Cheranmahadevi Police Station,  
Tirunelveli District.

2. Christian

... Respondents

**Prayer :** Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to final report in C.C.No. 445 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District and quash the same.

For Petitioner : Mr.R.Ramachandran

For R1 : Mr.A.S.Abul Kalaam Azad,  
Government Advocate (CrI. side)



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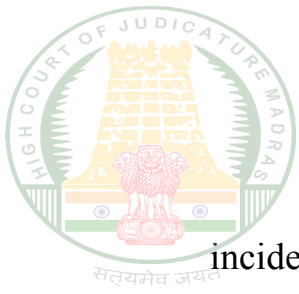
## **ORDER**

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The petitioner is the sole accused in C.C.No.445 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Cheranmahadevi. He is facing the charges for the offences under Sections 294(b), 323, 324 and 506(ii) IPC. He has moved this petition seeking to quash the proceedings in C.C.No.445 of 2024 pending against him.

2. The learned counsel appearing for the petitioner submits that that the petitioner is the victim and he also suffered grievous injury. However, the respondent Police has registered a counter complaint as if the petitioner has assaulted the defacto complainant. The learned counsel has also pointed out that though the cases have been registered as case and counter case, the investigation has not been conducted as per the Police Standing Orders (P.S.O.566).

3. The learned Government Advocate (Crl. Side) submits that the petitioner as well as the defacto complainant suffered injury in the



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incident. The petitioner is an Advocate. The case of the defacto complainant is that when he was bargaining with a toy merchant, the petitioner intervened and assaulted him. According to the learned Government Advocate (CrI. Side), the defacto compliant in this case has suffered two cut injuries with aruval. The wound certificate is available and the evidence of the Doctor is also available. He further submits that both the cases have been investigated by the same Investigating Officer and final reports have been filed following the guidelines as per the Police Standing Orders (P.S.O.566). Therefore, there is no violation of the Police Standing Orders and the guidelines issued by the Hon'ble Full Bench in ***Balaji and another vs. the Inspector of Police, New Washermenpet Police Station, Chennai,***

4. This Court considered the rival submissions made.

5. The grounds raised by the petitioner can be appreciated only during the trial. Though the petitioner has pointed out that there is violation of the Police Standing Orders (PSO 566), it appears that in both



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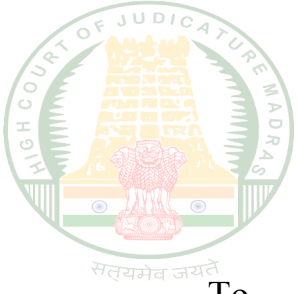
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the case and counter case, the investigation has been conducted simultaneously by the same investigating officer and final reports have also been filed. Further, the defacto complainant in this case has also sustained two cut injuries. Therefore, whether the petitioner is the aggressor or the defacto complainant is the aggressor is the matter to be decided during the trial. Since the investigating officer has filed final reports in both the cases, this court is not inclined to quash the proceedings in C.C.No.445 of 2024 as against the petitioner.

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

**01.08.2025**

Index : Yes / No.  
Internet : Yes / No.  
NCC : Yes / No.  
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To  
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1. The District Munsif cum Judicial Magistrate Court,  
Cheranmahadevi,  
Tirunelveli District.
2. The Sub Inspector of Police,  
Cheranmahadevi Police Station,  
Tirunelveli District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.**

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