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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13000 of 2025 and
Crl.MP(MD) No.10210 of 2025

1. Sujith Varman
2. Selvavelan
3. Jeevitha ... Petitioners

Vs

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No. 140/2025.

2.Ramanathan ...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the impugned FIR in Crime No. 140/2025 dt 07.07.2025 on the file of the 1st respondent police and quash the same as illegal.

For Petitioners : Mr.R. Major Kumar
For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl. Side)

O R D E R

The petitioners/A1 to A3 in Crime No.140 of 2025 have moved this petition to quash the above proceedings pending as against

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them. The above case has been registered as against the petitioners for the offence under Sections 296(b), 115(2), 118(1), 351(3) and 324(2) of BNS, 2023, based on the complaint given by the second respondent.

2.The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant with regard to storage of cowdung near the defacto complainant's house. Therefore, the first and second petitioners are attempting to attack the defacto complainant by using Shovel and the third petitioner has attacked the defacto complainant in his face. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioners and the defacto complainant are neighbours. In fact, they are having a dispute with regard to storage of cowdung nearby the petitioners' house. He further submits that this occurrence had not taken place as projected by the second respondent /the defacto complainant. However, the respondent police has foisted this false complaint at the instance of the second respondent. The learned counsel further submits that the first petitioner is a college student and at the time of occurrence, he has gone to the college. The second petitioner is a patient and he underwent a surgery in the spinal cord and therefore he

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cannot stand continuously for more than two minutes. According to the learned counsel, the third petitioner is a woman and she could not have committed the offence as alleged in the First Information Report. However, all the petitioners have been implicated as accused in Crime No.140 of 2025.

4.Mr.A.S.Abul Kalaam Azad, learned Government Advocate (Crl. Side), who takes notice for the first respondent submits that this occurrence had taken place on 06.07.2025 and the case was registered on 07.07.2025 for the offence under Sections 296(b), 115(2), 118(1), 351(3) and 324(2) of BNS, 2023. According to the complainant, the petitioners have caused damage to the defacto complainant's car, due to which, the windshield of the car got damaged. Moreover, there are specific allegations as against each accused and therefore the grounds raised by the petitioners are matter for investigation and the First Information Report in Crime No.140 of 2025 cannot be quashed on these grounds.

5.This Court considered the rival submissions made and also perused the materials placed on record.

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6.The occurrence was said to have taken place on 06.07.2025, for which, a case in Crime No.140 of 2025 has been registered on 07.07.2025. The investigation in the above case is in the initial stage. Investigation is the process of finding out the truth. The investigation agency is having a statutory period for conducting and completing the investigation. Registration of a compliant in an FIR would not cause any prejudice to the petitioners. During the course of investigation, the investigating agency is expected to conduct the investigation not only by receiving the copy of the complaint and examining the witnesses shown by the complainant side, but also, they are expected to conduct the investigation in diffrent perspectives.

7.In view of the above, this Court is not inclined to entertain this petition, on the grounds raised in this petition. The investigating Agency shall find out the truth of the possibilities of commission of offence by the petitioners/ accused. Hope that the respondent police would conduct the investigation in a fair and proper manner, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is also closed.

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04.08.2025

NCC : Yes/No
Index : Yes/No
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To

The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

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B.PUGALENDHI, J.

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Order made in
Crl.OP(MD)No.13000 of 2025 and
Crl.MP(MD) No.10210 of 2025

04.08.2025

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