



Crl.O.P.(MD)No.13653 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.13653 of 2025
and
Crl.M.P.(MD)No.10885 of 2025

1. Sundara Mahalingam
2. Veera Sundara Maruthu
3. Saravanakumar

... Petitioners

versus

1. State rep. by
The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
2. State rep. by
The Inspector of Police,
Ammanayakkanur Police Station,
Dindigul District.
3. N.Thavittu Raja

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in connection with FIR in Crime No.60 of 2025 dated 29.03.2025 on the file of the 2nd respondent, Inspector of Police, Ammayanayakkanur Police Station, Dindigul District and quash the same.

For Petitioners : Mr.R.Murugappan



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For R1 and R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioners are accused Nos.1 to 3 in Crime No.60 of 2025. The case in Crime No.60 of 2025 has been registered by the 2nd respondent Police on the complaint of the 3rd respondent on 29.03.2015 for the offence under Sections 3(1)(r), 3(1)(s), 3(1)(g), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of SC/ST (POA) Act, 1989, r/w. Sections 296(b), 324(4), 351(2) of BNS 2023 and Section 4 of TNPHW Act. The allegation as against the petitioners is that they have abused the defacto complainant and also damaged the boundary stones fixed in his land. Now, the petitioners have moved this petition seeking to quash the FIR in Crime No.60 of 2025 registered against them.

2. The learned counsel appearing for the petitioners submits that the defacto complainant is having a land adjacent to the petitioners' lands and they are having a civil dispute. The first petitioner's wife has filed a civil suit as against the defacto complainant before the Principal Sub Court, Dindigul and the same is pending in O.S.No.400 of 2025. With this civil



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motive, the 3rd respondent/defacto complainant has foisted this case as against the petitioners.

3. The learned Government Advocate (Crl. Side) submits that admittedly, the petitioners are having a civil dispute with the defacto complainant. Therefore, the defacto complainant has surveyed his land through the Revenue officials and also fixed the boundary stones. The petitioners have damaged the boundary stones and also abused him by using his caste name. Therefore, this case has been registered as against the petitioners on 29.03.2025. The learned Government Advocate (Crl. Side) further submits that the investigation is almost completed and they have examined 11 witnesses sofar and they are likely to conclude the investigation within one month.

4. This Court considered the rival submissions made.

5. The petitioners claim that except the defacto complainant, there is no other eye-witnesses, the occurrence is said to have taken place in the agricultural lands of the petitioners and there is a civil dispute between the petitioners and the defacto complainant. The grounds raised by the



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petitioners can be appreciated only during the investigation. At this stage, on the factual aspects, this Court is not inclined to interfere with the same.

7. However, the respondent Police is directed to consider the grounds raised by the petitioners during the course of investigation. The investigating agency is expected to conduct the investigation not only based on the statements of the complainant and witnesses if any produced by the complainant. The respondent Police is expected to conduct the investigation by considering the grounds raised by the petitioners and witnesses and documents, if any produced by them. If any final report is filed as against the petitioners, they can challenge the same in the manner known to law.

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

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NCC : Yes/No
Index : Yes/No
Internet: Yes
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1. The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.
2. The Inspector of Police,
Ammanayakkanur Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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