



Crl.R.C.(MD)No.1198 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1198 of 2025

and

Crl.M.P(MD)No.11607 of 2025

1.K.Manikandan

2.Selvi

... Petitioners

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.105 of 2020)

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records in connection with the case in Cr.M.P.No.3822 of 2025 in C.C.No.847 of 2020 dated 29.07.2025 on the file of the Learned Judicial Magistrate Court No.V, Madurai District and set aside the same.

For Petitioners : Mr.D.Karthikraja

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



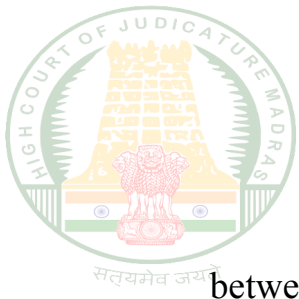
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ORDER

Challenging the order passed by the learned Judicial magistrate Court No.V, Madurai Distric in Crl.M.P.No.3822 of 2025 in C.C.No.847 of 2020, this criminal revision case came to be filed by the accused persons before the learned Trial Court.

2. The petitioners have filed a discharge petition under Section 262 of BNSS, 2023 seeking to discharge them from the case. The facts which led to the registration of the crime against the petitioners herein is that the 1st petitioner is the husband of the 2nd petitioner and he is a senior practicing Advocate. The defacto complainant had insisted the petitioners herein to subscribe to the chit which was being conducted by her. The defacto complainant is an Assistant Nurse in a private hospital. Having subscribed to the chit of the defacto complainant, on completion of the chit, the defacto complainant had defrauded the petitioners herein without returning the money subscribed to them. As a result of which, an enmity had crept in between the friendship of the petitioners and the defacto complainant. As a result of which, frequent quarrels occurred

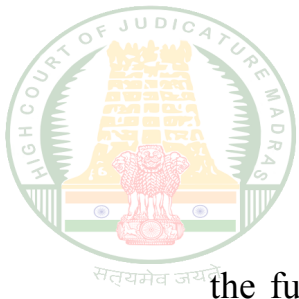


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between the parties. On 22.01.2020 at about 10.45 a.m., while the defacto complainant along with her daughter was in her clinic, the petitioners along with seven other persons went to the clinic and had forcibly tied the hands of the defacto complainant by making her sit in a chair with a nylon wire and thereafter, both the accused had slapped her with their chappals repeatedly and had intimidated her with dire consequences if she failed to return the money back. As a result of which, Crime No.105 of 2020 has been registered for the offences under sections 147, 451, 448, 342, 354, 323, 384, 506 (i) and 379 of IPC. The same culminated in filing of final report on 20.05.2020 before the learned Trial Court. Seeking to discharge them from the aforesaid crime, the petitioners filed a discharge petition.

3. The learned trial court had scrupulously gone through the contents of the discharge petition and also the statement given under Section 161 of Cr.P.C placed before her and thereafter, came to a conclusion that despite the crime had emanated from a civil dispute involving money transaction, the admissibility of the confession made by the co-accused has to be determined at the trial and only after evaluating



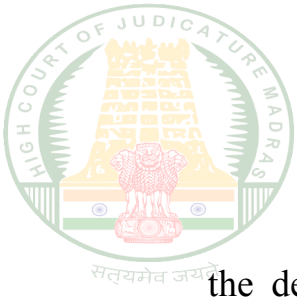
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the full body of evidence, a detailed assessment as to the innocence of the accused persons could be made. On that premise, the learned Trial Court dismissed the discharge petition.

4. The learned counsel for the petitioner categorically contended that the dispute is purely a financial transaction and the alleged act of offense which has been framed against the petitioners are all imaginary which has been bent up by the defacto complainant for safeguarding her from the financial liability and no such incident as narrated in the first information report had really happened and however, the same was not appreciated by the learned Trial Court. Hence, he pressed for allowing the criminal revision case.

5. Per contra, the learned Government Advocate (Crl.Side) submitted that the nature of harassment and aggression suffered by the defacto complainant and her daughter is as to being subjected to heinous attack by the petitioners along with seven others by tying their hands and slapping with slippers and they also indulged in robbing the car and mobile phone and also went to the extent of obtaining the signature of



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the defacto complainant forcibly in a plain paper with the motive of creating false documents. Hence, no mercy need to be shown to the petitioners and pressed for dismissal of the case.

6. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) for the respondent and carefully perused the materials available on record.

7. Normally in a matter involving civil dispute, criminal action is unwarranted. However, this case has criminal implications for the reason that the allegation is that the petitioners herein had forcefully entered into the working area of the defacto complainant and had attacked and had even indulged in aggression and robbing certain things. In view of the same, I do not find any infirmity in the order passed by the learned Trial Court that the innocence of the petitioners could be assessed only after the completion of the trial.



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8. Accordingly, this Criminal Revision Case is dismissed.

Consequently, connected Miscellaneous Petition is closed.

29.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate Court No.V,
Madurai District.
- 2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI ,J.

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Order made in
Crl.R.C.(MD)No.1198 of 2025

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