



Crl.O.P(MD)No.17019 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

**Crl.O.P(MD)No.17019 of 2024
and
Crl.M.P(MD)No.10695 of 2024**

1. S.Sundar

2. S.Rani

3. K.Elavarasi

... Petitioners

Vs

1. The State of Tamil Nadu,
Jaihindpuram Police Station,
Madurai District.
Crime No. 434/204.

2. P.Vasudevan

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records in Crime No. 434 of 2014 on the file of the respondent police station and quash the same as illegal.



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For Petitioner : Mrs.K.Vinothini

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

For R2 : Mr.S.Pugalendhi

ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 434 of 2014 on the file of the respondent police station.

2.The prosecution case is that on 25.05.2014, the petitioners along with others trespassed into the house of the defacto complainant and abused him in obscene words and assaulted with sickle and caused injuries and also threatened with dire consequences, thereby, the defacto complainant lodged a complaint against the petitioners. Based on the same, the present FIR in Crime No.434 of 2014 was registered for the offence under Sections 294(b), 452, 342, 324 and 506(ii) of IPC. Now



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the same is challenged in this petition.

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3.The learned Counsel appearing for the petitioner would submit that the second respondent lodged a false complaint against the petitioners and based on the same, the first respondent registered the FIR and thereafter, the first respondent police have not conducted proper investigation and so far not filed final report. There are no specific allegation as against the petitioners and no such occurrence had been taken place as alleged in the FIR. Due to previous enmity between the petitioners and the second respondent, a false case has been lodged against the petitioners. Even as per the FIR, no averments to constitute the offences under Sections 294(b), 452, 342, 324 and 506(ii) of IPC. Therefore, the pending FIR is liable to be quashed.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that based on the second respondent's complaint, the respondent police registered the present FIR. There are some allegations against the petitioners to constitute the offences and the case is under investigation. Therefore, he strongly opposed to allow this petition.



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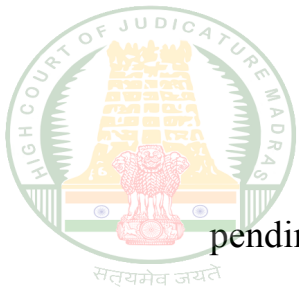
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5.The learned Counsel appearing for the second respondent also reiterated the arguments of the learned Government Advocate (Crl.Side) and argued that the petitioners abused in obscene words and unlawfully confined and caused criminal intimidation and they trespassed into the land. There are serious allegations as against the petitioners.

6.This Court heard both sides and perused the records.

7.According to the petitioners, a false case has been foisted against them and no any specific allegations against them and there are only bald allegations, therefore, the pending FIR is liable to be quashed. According to the respondent police, the investigation is pending and there are allegations to constitute the offences against the petitioners.

8.On careful perusal of the FIR, it is found that there are no specific allegations as against the first and third petitioners. Even according to the prosecution, the second petitioner only assaulted the defacto complainant with Aruval and caused injuries and the case is pending for more than ten years without any progress. Therefore, the



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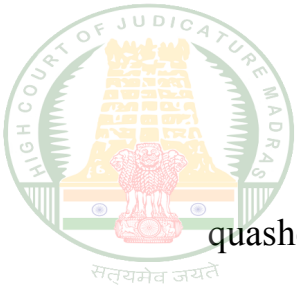
pending FIR against the first and third petitioners is abuse of process of law.

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9.As far as the offences under Sections 294(b), 452, 342, 324 and 506(ii) of IPC are concerned, as per FIR, there are no allegations to constitute the offences as against the first and third petitioners and based on the bald and vague allegations, the petitioners need not face the ordeal trial.

10.In view of the above observations, this Court is inclined to quash the FIR in Crime No.434 of 2014 insofar as the first and third petitioners are concerned. Accordingly, the impugned FIR is quashed insofar as the first and third petitioners are concerned. Since there are some materials available against the second petitioner, this Court is not inclined to quash the impugned FIR. However, it is for the investigation officer to conduct fair investigation and to file appropriate report before the trial Court.

11.Accordingly, this Criminal Original Petition is partly allowed and the FIR in Crime No.434 of 2014 on the file of the first respondent is



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quashed and insofar as the first and third petitioners are concerned.

Insofar as the second petitioner is concerned, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

14.03.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR

To

1. The State of Tamil Nadu,
Jaihindpuram Police Station,
Madurai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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