



CRL.OP(MD) NO.18982 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.18982 of 2024

and

CRL.M.P.(MD) Nos.11748 & 11749 of 2024

1.Arunachalam
2.Vijayakumar
3.Murugeswari

... Petitioners

Vs

1.The State rep. by
The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
Crime No.49 of 2023.

2. Sumathi

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the impugned charge sheet proceedings in S.T.C.No.107 of 2024 on the file of the learned District Munsif-cum-Judicial Magistrate, Kamuthi and quash the same as illegal.

For petitioner :Mr.A.P.Yazhini



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For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

For R2 : No appearance

ORDER

This petition is filed by the petitioners to quash the proceedings in S.T.C.No.107 of 2024 on the file of the District Munsif-cum-Judicial Magistrate Court, Kamuthi.

2. The prosecution case is that on 26.07.2023, at about 8.40 p.m., all the accused assembled together and due to family dispute, they abused obscene words against the husband and son of the defacto complainant and A1 and A2 assaulted the husband and son of the defacto complainant, respectively, with sticks and A3 bite on the cheek of the husband of the defacto complainant and they caused injuries. Thereby, the defacto complainant lodged a complaint before the first respondent and they registered the case in Crime No.49 of 2023, for the offences under Sections 294(b) and 323 of IPC. Thereafter, the first respondent, completed the investigation and filed Final Report for the offences under Sections 294(b) and 323 of IPC. Now, the petitioners challenged the Final



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Report.

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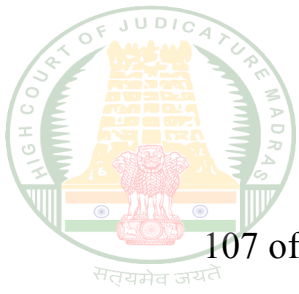
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bold allegations, the FIR has been registered. The first respondent also, without conducting proper investigation, filed Final Report. Therefore, the pending proceedings is liable to be quashed.

4. The learned Government Advocate (Crl.Side) for the first respondent would submit that based on the complaint lodged by the second respondent, they registered the case in Crime No.49 of 2023, for the offences under Sections 294(b) and 323 of IPC and thereafter, they investigated the case and filed Final Report. As per the Final Report, there are *prima facie* materials available as against these petitioners. Therefore, it is the matter for trial and therefore, the petition is liable to be dismissed.

5. This Court heard both sides and perused records.

6. In this case, the second respondent lodged a complaint against the petitioners before the first respondent and based on the same, they registered the case in Crime No.49 of 2023 for the offences under Sections 294(b) and 323 of IPC. Thereafter, the first respondent conducted investigation and filed Final Report. The said Final Report has been taken on file by the Trial Court and the same is pending in S.T.C.No.



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7. According to the petitioners, earlier, the husband of the second respondent attacked the petitioners and one Raja Ganapathi. Thereby, the said Raja Ganapathi sustained injuries. The case has been registered in Crime No.48 of 2025, based on the complaint lodged by the Raja Ganapathy as against the husband of the second respondent. In order to take revenge, the present false complaint has been lodged by the second respondent. This Court also perused the entire records and as per the FIR and charge sheet, the petitioner abused in obscene words and assaulted the defacto complainant's son and husband. There are no medical records produced and as per the charge sheet, there are no medical records. Moreover, ever as per the FIR and charge sheet, there are no ingredients to constitute the offence under Section 294(b) and 323 IPC. To attract the offence under Section 294(b), there are vague and bald allegations and there is no specific overt-act against each accused and there is no material to constitute the offences. There is no material that due to the obscene words, the defacto complainant got annoyed.

8. As far as the offence under Section 323 IPC is concerned, there is



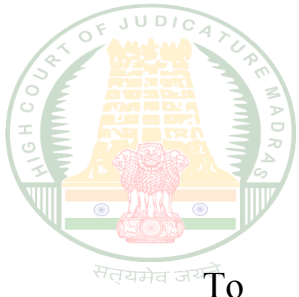
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no medical records to prove that the victims sustained injuries. Even as per the prosecution case, no medical report was filed. Even as per the Final Report, since no any external injuries, they did not go to hospital. Therefore, no material to constitute the offence under Section 323 IPC. The available records show that this complaint was lodged against the petitioners as a counter complaint for the earlier complaint lodged against the defacto complainant's husband. Therefore, the pending proceedings, without any material, is abuse of process of law. The first respondent also, without conducting proper investigation, filed Final Report and the Trial Court also, without *prima facie* material, has taken cognizance. Therefore, pending proceedings are liable to be quashed.

9. Accordingly, this Criminal Original Petition is allowed and pending proceedings in S.T.C.No.107 of 2024 on the file of the learned District Munsif-cum-Judicial Magistrate Court, Kamuthi, is quashed. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd



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To
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- 1.The District Munsif-cum-Judicial Magistrate,
Kamuthi.
- 2.The Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL,J

apd

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