



Crl.O.P.(MD)No.1351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.1351 of 2025
and Crl.M.P.(MD)No.916 of 2025

1. Rajendran

2. Muthukubendran

... Petitioners

Vs

1. State of Tamilnadu rep. by the
Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.392 of 2024).

2. Ilavazhagan @ Balamurugan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime No. 392 of 2024 dated 02.10.2024 on the file of the respondent police and quash the same as illegal in so far as the petitioner is concerned and thus render justice.

For Petitioners : M/s.S.Vinodh

For Respondents 1 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor



Crl.O.P.(MD)No.1351 of 2025

ORDER

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This Petition has been filed to quash the F.I.R in Crime No.392 of 2024 on the file of the first respondent police.

2. The crux of the case is that the second respondent/defacto complainant gave a complaint before the first respondent police stating that due to property dispute, on 28.09.2024 at about 01.15 a.m., the accused persons had demolished the front side of the disputed building with the help of JCB and Tractor and also caused threat. Based on the same, a case was registered in Crime No.392 of 2024 on 02.10.2024 for the offence under Sections 191(2), 329(3), 324(4), 351(2), 49 of BNS.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent. Perused the materials available on record.

4. On perusal of the records, this Court satisfy with the ingredients of the offence under Sections 191(2), 329(3), 324(4), 351(2), 49 of BNS and the same is required to be investigated by the police officer.



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Crl.O.P.(MD)No.1351 of 2025

4.1. Further, the Hon'ble Supreme Court in the following cases;

- ***Gimpex (P) Ltd. v. Manoj Goel*** reported in **2022 (11) SCC 705 :: 2021 SCC Online SC 925,**
- ***Amish Devgan v. Union of India***, reported in **(2021) 1 SCC 1 : (2021) 1 SCC (Cri) 247 :: 2020 SCC OnLine SC 994,**
- ***H.P. Cricket Assn. v. State of H.P.***, reported in **(2020) 18 SCC 465 : (2021) 3 SCC (Cri) 555 : 2018 SCC OnLine SC 2419,**
- ***Rajeev Kourav v. Baisahab***, reported in **(2020) 3 SCC 317 : (2020) 2 SCC (Cri) 51 : 2020 SCC OnLine SC 168,**
- ***Saranya v. Bharathi***, reported in **(2021) 8 SCC 583 : (2021) 3 SCC (Cri) 377 : 2021 SCC OnLine SC 634**

had held that the High Court has no inherent powers to interfere with the investigation, unless it is found that the allegations do not disclose the commission of a cognizable offence or the power of investigation is being exercised by the police malafidely and the High Court, while exercising its jurisdiction under Section 482 of Code of Criminal Procedure / under Article 226 of Constitution of India petition seeking for quashing of FIR, should be extremely cautious and slow to interfere with the investigation. Hence, this Court finds no reason to entertain this quash petition when the allegations made in the FIR, prima facie constitute the offences under



Crl.O.P.(MD)No.1351 of 2025

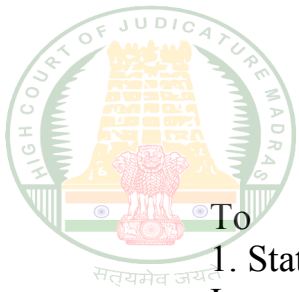
Sections 191(2), 329(3), 324(4), 351(2), 49 of BNS. Further, this Court is unable to accept the argument of the learned counsel for the petitioner to appreciate the material produced before this Court and the defence of the petitioner at this stage.

5. Accordingly, this Criminal Original Petition is dismissed.

The respondent Police is directed to file final report in Cr.No.392 of 2024 before the concerned Court within a period of six (6) months from the date of receipt of copy of this order. The petitioner is at liberty to file a petition for quash, after filing of final report, if so advised. Consequently, connected Miscellaneous Petition is closed.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PNM



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To

1. State of Tamilnadu rep. by the
Inspector of Police,
Theni Police Station,
Theni District.

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



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K.K.RAMAKRISHNAN,J.

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