



Crl.O.P.(MD)No.16170 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.16170 of 2025

and

Crl.M.P(MD) Nos.13202 and 13204 of 2025

Murugesan

... Petitioner/Sole Accused

Vs.

1.The State of Tamilnadu,
represented by the Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District
(Crime No.248 of 2025).

...1st Respondent/Complainant

2. Muthumadathi

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, to call call for the records pertaining to the above FIR in Crime No.248 of 2025 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.B.Saravanan, Senior Counsel

for Mr.Jeganathan.C

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

For R2 : Mr.G.Thalai Mutharasu



Crl.O.P.(MD)No.16170 of 2025

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.248 of 2025 on the file of the 1st respondent Police, registered for the offences punishable under Sections 126(2), 296(b), 308(4), 351(3) of BNS, Section 4 of TNPHW Act and Section 3(1) of TNPPDL Act, 1992.

2. The gist of the allegation in the impugned FIR is that on account of prior enmity with regard to sharing of property, the petitioner had prevented the defacto complainant from entering into her property; that on 27.05.2025 at about 11.30 AM, when the defacto complainant and her husband were returning from a temple, the petitioner wrongfully restrained them and forced them to execute the sale deed in respect of the defacto complainant's property in favour of the petitioner; that thereafter, the petitioner caused damage to the cell phone of the defacto complainant's husband; that he had pushed the defacto complainant and abused her in filthy language and thus committed the aforesaid offences.

3. The learned Senior Counsel for the petitioner would submit that the impugned FIR is an abuse of process of law; that it is attended with mala fides;



Crl.O.P.(MD)No.16170 of 2025

that the allegations in the FIR has to be appreciated with the other attendant circumstances; that the defacto complainant's husband had given a similar complaint of assault two months prior to the present FIR; that the respondent Police found that said complaint was false; that another relative of the defacto complainant had lodged a complaint stating that the petitioner had executed a rectification deed and thus committed the offence of cheating; that the defacto complainant and her husband are in the habit of giving false complaints; and that considering the nature of allegations and the other circumstances pointed out, the impugned FIR is liable to be quashed and prayed for quashing the same.

4. The learned counsel for the second respondent, however, would submit that there are allegations to show that the defacto complainant was pushed and her husband's phone was damaged by the petitioner; that this Court cannot at this stage hold that the allegations are false; that it is for the first respondent to investigate the case; and that the FIR cannot be scuttled at this stage.

5. The learned Government Advocate, per contra, reiterated the contents of the FIR and submitted that the investigation is pending.



Crl.O.P.(MD)No.16170 of 2025

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6. Admittedly, the petitioner and the defacto complainant's husband are adjacent land owners and have a boundary dispute. It is seen that the defacto complainant's husband had purchased an undivided extent of 1.12 Acres and the petitioner had purchased an undivided extent of 10.02 Acres of land in the same Survey No.713. It appears that the defacto complainant's husband had a grudge against the petitioner since the petitioner had subsequently executed rectification deed defining the boundaries of the land, which, according to him, had deprived him of his land. The defacto complainant's husband had lodged a complaint in Crime No.51 of 2025 before Ottapidaram Police Station for the offences punishable under Sections 191(3), 296(b), 115(2), 351(3) and 190 of BNS, 2023, alleging that he was attacked by the petitioner. The allegations are very similar to the allegations made in the impugned FIR. The Inspector of Police, Ottapidaram Police Station, had not only found that the allegation of assault is false, but also found that there is no basis for the apprehension of the defacto complainant that the petitioner had executed a fraudulent document. It appears that three different complaints were filed by defacto complainant, her husband and his relative one Ilayaraja. As stated earlier, the complaint filed by the defacto complainant's husband was found to be false. This Court, in the



Crl.O.P.(MD)No.16170 of 2025

connected proceedings in Crl.O.P(MD).No.16716 of 2025, vide order dated 27.11.2025, had quashed the FIR lodged by Ilayaraja stating that it only discloses a civil dispute. Therefore, this Court is of the view that the impugned FIR is attended with mala fides and has been lodged only to wreak vengeance. The nature of the allegations in the impugned FIR and in the earlier FIR found to be false by the police are the same. As held by the Hon'ble Supreme Court in the matter of this nature, the allegation cannot be appreciated in an isolated manner. In the case of ***Salib alias Shalu Alias Salim vs. State of Uttar Pradesh and others*** reported in ***(2023) 20 SCC 194***, the Hon'ble Supreme Court has held as follows:

“26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all



the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

Further this Court in Crl.O.P.(MD) No.4847 of 2024 dated 27.11.2025 had held as follows:

32. The Hon-ble Supreme Court has repeatedly held that



an FIR is liable to be quashed if it is found that it is manifestly frivolous, vexatious or instituted with ulterior motive for wreaking vengeance. The Hon-ble Supreme Court had also held that to determine whether the FIR is vexatious or instituted with ulterior motive, a duty is cast upon the Court to look into other attendant circumstances emerging from the record of the case.

...

*34. The recent trend of converting civil disputes and misusing the machinery of criminal justice has also been repeatedly deprecated by the Hon-ble Supreme Court. In **Nitin Ahluwalia-s** case [cited supra] the Hon-ble Supreme Court has held as follows:*

7. The law on the exercise of the High Court's inherent powers under Section 482 of the Code of Criminal Procedure, have been repeatedly expounded and reiterated ~ to the point that they ought not to require restatement, and hence, we will not go down that route. The scope of the exercise to be carried out by the Court while adjudicating such an application for quashing is also well established. The Court is only to look to the prima facie possibility of the offence having been committed. In this regard reference can be made to CBI v. Aryan Singh ((2023) 18 SCC 399) and Rajeev Kourav v. Baisahab ((2020) 3 SCC 317).

8. If the complaint is seen in isolation, then the approach of the learned Single Judge appears, entirely to be in consonance with the established position of law ~ allegations have been made, and so they have to



Crl.O.P.(MD)No.16170 of 2025

be investigated. In certain cases, though, it is not as straight~ cut as that. While it is true that elaborate defences and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced. What renders a judicial mind distinct is its application to the given facts in accordance with law. Therefore, the Court ought to have (2023) 18 SCC 399 (2020) 3 SCC 317 appreciated, at least to some extent, the background in which the respondent filed the subject FIR.

(emphasis supplied)

7. Considering the aforesaid facts, the fact that the defacto complainant and her husband are in the habit of lodging such complaints; the fact that the alleged harm caused is slight and the allegation only stems out of a civil dispute, this Court is inclined to quash the impugned FIR in Crime No.248 of 2025 on the file of the first respondent Police and accordingly quashes the same. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

27.11.2025

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

Indu/dk



Crl.O.P.(MD)No.16170 of 2025

To

- 1.The Inspector of Police,
Muthiahpuram Police Station,
Thoothukudi District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.16170 of 2025

SUNDER MOHAN, J.

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Crl.O.P(MD).No.16170 of 2025

27.11.2025