



Crl.O.P.(MD) No.16579 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16579 of 2025

and

Crl.M.P.(MD) Nos.13499 & 13502 of 2025

1.R.Pandiyammal

2.Pandi Selvi Balamurugan

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.

2.Kamatchi

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to SPL.S.C.No.32 of 2025 on the file of the Special Court for the Exclusive Trial of SC/ST (POA) Act cases, Virudhunagar at Srivilliputtur and quash the same as far as the petitioners/second and third accused are concerned.

For Petitioners	: Mr.S.I.Muthiah
For R1	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor
For R2	: Mr.R.Manickam Legal Aid Counsel



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ORDER

This Criminal Original Petition has been filed seeking to quash the final report in SPL.S.C.No.32 of 2025 on the file of the Special Court for the Exclusive Trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur, filed against the petitioners/A2 and A3 for the offences punishable under Sections 294(b) and 506(ii) of the Indian Penal Code, 1860, and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The gist of the allegations in the final report is that the second respondent/defacto complainant belongs to the Scheduled Caste community; that she is a married woman and had developed an extra-marital relationship with the first accused; that when this relationship came to the knowledge of the petitioners, who are the sisters of the first accused, they advised the first accused to sever his relationship with the second respondent/defacto complainant; and that the petitioners further abused the second respondent/defacto complainant in filthy language, humiliated her on account of her caste, and threatened her stating that they had photographs and videos of the first accused and the second respondent/defacto complainant in a compromising position and that they



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would defame her using the same, and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the petitioners are the married sisters of the first accused and are living in a far away place; that they have nothing to do with the alleged extra-marital affairs of the first accused with the second respondent/defacto complainant; that the allegation that the petitioners had threatened the second respondent/defacto complainant with photographs and videos is highly improbable and opposed to common sense, as the first accused, even if he possessed such videos of the second respondent, would not share the same with his own sisters; that this Court had quashed the proceedings against the wife of the first accused, who was also falsely implicated, at the FIR stage itself; and that the observations made by this Court in the quash petition would enure to the benefit of the petitioners as well, and therefore sought for quashing the final report as against the petitioners.

4. Since the second respondent/defacto complainant had refused the notice issued by this Court, Mr.R.Manickam, the learned Legal Aid



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Counsel, was appointed to assist this Court on behalf of the second respondent/defacto complainant.

5. The learned counsel for the second respondent/defacto complainant would submit that the final report and the materials collected by the first respondent police would establish the alleged offences against the petitioners; and that the question as to whether the allegations are false cannot be adjudicated in a quash petition, and therefore opposed the quash petition.

6. The learned Additional Public Prosecutor for the first respondent would also oppose the quash petition, stating that merely because the FIR was quashed against one of the accused, it cannot be quashed as against the present petitioners; that the role played by each of the accused has to be considered independently; and that it is for the Trial Court to consider the case, and sought for dismissal of the petition.

7. Admittedly, the petitioners are the married sisters of the first accused and have nothing to do with the alleged act of cheating said to have been committed by the first accused, or with the extra-marital affairs



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he is said to have been had with the second respondent/defacto complainant. The only question is whether they had committed the offence of using obscene words under Section 294(b) of the Indian Penal Code, 1860, or the offence of criminal intimidation under Section 506(ii) of the Indian Penal Code, or offences under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

8. As rightly contended by the learned counsel for the petitioners, the allegation that the petitioners, who are not living with the first accused and are residing with their respective husbands, had threatened the second respondent/defacto complainant with pictures and videographs of the first accused in a compromising position with the second respondent/defacto complainant, is highly improbable. The allegations against the petitioners are attended with *mala fides*. It appears that the allegation has been made only to wreak vengeance on the first accused. Even if the first accused had made threats and was in possession of such intimate videos and photographs, he would not share the same with his own sisters. The petitioners have nothing to gain by threatening the defacto complainant. Therefore, neither the offence under Section 506(ii) of the Indian Penal



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Code nor the offences under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, would be made out. That apart, the allegations do not attract the offence under Section 294(b) of the Indian Penal Code, 1860, as well, as it is not the case of the defacto complainant that they had uttered obscene words or acted obscenely to the annoyance of others. This Court, in the quash petition in Crl.O.P.(MD) No.22430 of 2024 filed by the co-accused, had observed as follows:

“9.The question now is whether the complaint given by the 3rd respondent that the Petitioner and her family members defamed and abused the De-facto Complainant by citing her societal status and community backdrop is with mala fide intention can only be ascertained during investigation. In this case, the admitted position is that the 3rd respondent and Pandiaraj are married persons having respective family with growing up children. Knowingly the 3rd respondent had physical relationship with the petitioner's husband Pandiaraj on several occasions which is a consensual one. The 3rd respondent's husband Murugan left the 3rd respondent to have his own way of life and living separately. The relationship between the 3rd respondent and Pandiaraj appears to be grown stronger. Thereafter, it was noticed and found by Pandiaraj family members and trouble started.

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12.From the above discussion, it is clear that the overtact attributed against the petitioner is nothing but to cause harassment with ulterior motive by the 3rd respondent. Considering the petitioner's precarious situation and the nature of the present case, this Court is inclined to quash the FIR registered against the petitioner.”



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9. The above observations would apply to the petitioners as well.

Hence, this Court is of the view that the impugned final report is liable to be quashed insofar as the petitioners are concerned and accordingly quashed.

10. The Legal Services Authority shall pay the scheduled fee to Mr.R.Manickam, the learned Legal Aid Counsel for the second respondent/defacto complainant.

11. Thus, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order



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SUNDER MOHAN, J.

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Copy To:

- 1.The Judge,
Special Court for the Exclusive Trial of SC/ST (POA) Act cases,
Srivilliputtur, Virudhunagar.
- 2.The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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