



Crl.O.P.(MD) No.17680 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17680 of 2025

and

Crl.M.P.(MD) Nos.14435 & 14437 of 2025

1.A.Prabhakar

2.P.Maheswari

3.B.Ramaprabhu

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.421 of 2020)

Ponlakshmi (Died)

2.Mageshwaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the final report in C.C.No.293 of 2022 on the file of the learned Judicial Magistrate No.II, Srivaikundam and quash the same.



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For Petitioner : Mr.S.Mandhiralingeswaran

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.293 of 2022, on the file of the learned Judicial Magistrate No.II, Srivaikundam, filed against the petitioners for the offences punishable under Sections 448, 323, and 506(II) of the Indian Penal Code, 1860, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The allegation in the final report is that the first petitioner is the one of the sons of the second respondent/defacto complainant, and the second and third petitioners are the wife and brother-in-law of the first petitioner; that on account of a property dispute, that the first petitioner pulled the hair of the second respondent/defacto complainant, pushed her down, and attacked her with his hands; that the second petitioner kicked the second respondent/defacto complainant; that the third petitioner attempted to attack the other son (L.W.2) of the second



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respondent/defacto complainant with an aruval; and that thereafter, the petitioners criminally intimidated the defacto complainant and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that it is only a civil dispute; that at the instance of other legal heirs, the second respondent/defacto complainant has foisted a false case against the petitioners; and that the impugned prosecution is an abuse of process of law.

4. The second respondent/defacto complainant is none other than the mother of the first petitioner. It is the case of the petitioners that, at the instance of the other legal heirs of the second respondent/defacto complainant, she lodged a false complaint against the petitioners. This Court is of the view that the points raised by the petitioners are factual in nature and cannot be adjudicated in this quash petition, and that it cannot be held at this stage that the mother has given a false case against her own son. Therefore, this Court is not inclined to quash the impugned final report, and this Criminal Original Petition is liable to be dismissed.



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5. Accordingly, this Criminal Original Petition is dismissed.

Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.II,
Srivaikundam.
- 2.The Inspector of Police,
Eral Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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