



Crl.O.P.(MD)No.18347 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18347 of 2025

and

Crl.M.P.(MD).Nos.15060 and 15062 of 2025

1.Kathija Begam

2.Amanullah

3.Sabura Bivi

4.Mohamed Ali

... Petitioners/Accused 2 to 5

Vs.

1.State of Tamil Nadu Rep. through,
The Inspector of Police,
K.Pudur Police Station,
Madurai.
(In Crime No.339 of 2019)

... 1st Respondent/Complainant

2.Subaitha Begam

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of Impugned Charge Sheet in C.C.No. 673 of 2020 on the file of the learned Additional Mahila Court, Madurai and quash the same against the petitioners as illegal.

For Petitioners : Mr.SMA.Jinnah

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to quash the impugned final report in C.C.No.673 of 2020 on the file of the Additional Mahila Court, Madurai, which was filed for the offences under Section 147, 294(b), 323, 427, 506(2), 149 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The allegation in the final report is that on account of prior enmity, the petitioners along with another accused attacked the defacto complainant and her son with hands; that they threw stones at the windows of the defacto complainant's house and also caused damage to the two wheeler of the defacto complainant; and that they had abused the defacto complainant in filthy language besides committing the offence of criminal intimidation.

3. The learned counsel for the petitioners would submit that on the complaint given by the first accused in this case, an FIR was registered against the second respondent and others in Crime No.338 of 2019, which culminated in the final report in C.C.No.517 of 2020 and the same is pending before the very same learned Magistrate; that the first respondent, without following PSO



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566, had filed the impugned final report, which is an abuse of process of law; and that the same is liable to be quashed.

4. The learned Additional Public Prosecutor, on instructions, would submit that the trial has commenced; that out of nine witnesses cited by the prosecution, five witnesses have been examined; that the trial is likely to be completed in the near future; and that this Court may not entertain this quash petition at this stage.

5. The Full Bench of this Court in the case of ***T.Balaji and another Vs. State*** in ***Crl.O.P.Nos.4587 of 2024 etc. batch dated 08.08.2024***, had issued the following directions:

“59. In the light of the above discussion, the following are our answers to the questions referred to us vide order dated 21.03.2024:

a. The police are required to mandatorily follow the procedure prescribed in PSO 566 while investigating a case and case in counter ie., rival versions of the same incident.

b. The consequences of non-compliance with PSO 566 would depend upon the stage at which such an objection is raised. It is the duty of the Magistrate to screen out final reports which are filed in inconsistent rival versions of the same incident ie., where one rival version is true the other must be necessarily



false, by returning with a direction to follow PSO 566. Where the Magistrate inadvertently takes cognizance, the error may be set right by the High Court under Section 528 BNSS, 2023 if the same is raised at an early stage. If, however, the trial in such cases is allowed to go on and has reached an advanced stage, a plea of non-compliance with the PSO will not ipso facto vitiate trial unless and until a demonstrable case of prejudice or miscarriage is made out.

c. The police will take note of and scrupulously follow the guidelines set out in paragraph 58-A, supra.

d. Trial of a case and counter case shall be held simultaneously before the same Court and the guidelines set out in paragraph 58-B, supra, shall be followed.”

6. Admittedly, on the complaint given by the first accused in this case, the case is pending against the second respondent and others in C.C.No.517 of 2020 on the file of the Additional Mahila Court, Madurai. Since the trial has commenced, this Court is not inclined to entertain the quash petition at this stage. However, the learned Magistrate may examine whether PSO 566 has been violated in this case and the guidelines laid down by the Full Bench of this Court in *T.Balaji's* case (cited supra) have been complied with. The learned Magistrate may try both the cases together.



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7. Considering the fact that the first and third petitioners are ladies; that the second petitioner is aged about 60 years and that the fourth petitioner is aged about 42 years, this Court is of the view that the personal appearance of the petitioners before the Trial Court can be dispensed with. Accordingly, the personal appearance of the petitioners before the Trial Court is dispensed with on all hearing dates (provided they are represented by a lawyer) unless their appearance is required by the learned Magistrate for the progress of the trial.

8. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected Crl.M.P.(MD).No.15060 of 2025 is closed.

27.10.2025

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

To

- 1.The Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
K.Pudur Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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