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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22797 of 2025

Harish @ M.Balraj ... Petitioner/ A7

Vs.

1. The State of Tamil Nadu
   rep., by the Inspector of Police,
   District Crime Branch II,
   Trichy District.
   Crime No.2 of 2025

2.A.Jayaseelan ... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records culminating in Crime No.02 of 2025 pending on the file of the first respondent police and quash the same insofar as the petitioner is concerned.

For Petitioners : Mr.S.Sathish

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

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ORDER

This petition has been filed to call for the records pertaining to the FIR in Crime No.2 of 2025 on the file of the respondent police and quash the same.

2. The learned counsel appearing for the petitioner submitted that the petitioner herein is the seventh accused in Crime No.2 of 2025 on the file of the first respondent registered for the offences under Sections 318(4), 191(2), 296, 329(4) and 351(2) BNS corresponding to Sections 420, 147, 294(b), 448 and 506(i) IPC. The petitioner's original name is Balraj, but in the FIR it was wrongly mentioned as Harish, which itself shows that the petitioner is completely a stranger to the complainant and the petitioner has been falsely implicated in this case, without even knowing his real identity. The FIR pertains to a clear land dispute between the second respondent and the first accused, Joseph. The petitioner is in noway connected with the said land and the sale agreement. Pertaining to the sale document, patta, money transaction and dealing between the defacto complainant and A1, the petitioner had

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never signed any document nor visited the landlord, handled any original papers and had no financial transaction whatsoever with any property pertaining to the crime in question. Further pointing out the details in the FIR, the learned counsel for the petitioner submitted that no specific overt act is attributable to the petitioner, even from a careful reading of the FIR and pressed for quashing the same.

3. Per contra, the learned Government Advocate (Crl.side) submitted that it would be premature at this stage to assess whether any offence could be attributed to the petitioner, and further contended that the petitioner himself has described his name in the affidavit filed in the present original petition as *Harish @ Balraj*, which, according to the prosecution, would explicitly establish his identity. Further, even assuming that the contention of the learned counsel for the petitioner is correct, the case is still at a preliminary stage. An FIR is not an encyclopedia, and if, upon investigation, the petitioner is found to be innocent of any fraudulent conduct, he would be fairly deleted from the case by the Investigating Officer.

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4. Heard the learned counsel on either side and carefully perused the materials available on record.

5. A careful reading of the FIR itself would reveal that no role is attributed to the petitioner at anywhere in the FIR. In view of the same, the petitioner is directed to co-operate with the investigation and the Investigating Officer is directed to fairly consider the nature of the involvement of the petitioner if any in the alleged offences and if he is found to be an innocent, he will be deleted at the time of filing the final report.

6. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

11.12.2025

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

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To

1.The Inspector of Police,
District Crime Branch II,
Trichy District.

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

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L.VICTORIA GOWRI, J.

Rmk

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