



CRL.OP(MD) NO.593 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.593 of 2025

and

CRL. MP(MD) No.392 of 2025

Rajkumar.

... Petitioner/Accused No.3

vs.

1.State of Tamil Nadu
rep. by the Sub Inspector of Police,
Thiruverumbur Police Station,
Trichy.
(Cr.No.337 of 2024)

2.Densingh Bernot

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the First Information Report in Crime No.337 of 2024 on the file of the first respondent police and quash the same as illegal.

For petitioner : Mr.S.Vijayaganesh

For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor for R1



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CRL.OP(MD) NO.593 of 2025

ORDER

This petition has been filed by the petitioner to quash the First Information Report in Cr.No.337 of 2024, dated 02.08.2024 on the file of the first respondent police.

2. According to the petitioner, an ancient building, namely, Rani Mangamma Chathram, was situated in Survey No.26/2A1B in Keelakurichi Village, Thiruverambur Taluk, Trichy district, to an extent of 0.60.73 acres. The second respondent suddenly entered into the premises of the chathram and demolished the superstructure, saying that he is an authorised agent of one Kannan, who purchased the entire extent of land and the same was averted by the public.

3. Thereafter, the second respondent by suppressing the material facts, filed W.P.(MD)No.9537 of 2024, wherein, this Court has passed an order that the Revenue Authorities have to consider the representation of the petitioner in that Writ Petition and to pass final orders in respect of permission to demolish the wall mentioned in that petition. Thereafter, the



CRL.OP(MD) NO.593 of 2025

Revenue Authorities colluded with the second respondent, issued an order in proceedings Na.Ka.No.A4/1125/2024 dated 03.07.2024. Based on that order, the building was also demolished. Thereafter, the public protested against the second respondent. Therefore, the second respondent/defacto complainant lodged a vexatious complaint. Based on that complaint, FIR has been registered. Further, there are no ingredients to constitute the offences and therefore, the pending FIR is liable to be quashed.

4. The learned counsel for the petitioner would submit that a false case was foisted against the petitioner, due to protection made by him for the destruction of superstructure of Rani Mangamma Chathram and the Revenue Authorities colluded with the second respondent passed an order and based on that order, the said ancient Rani Mangamma Chathram was demolished by the respondents. While protesting the same, the present FIR has been registered. Therefore, the pending FIR is abuse of process of law and liable to be quashed.

5. The learned Additional Public Prosecutor appearing for the first respondent police would submit that based on the complaint given by the second respondent/defacto complainant, registered the FIR in Cr.No.337



CRL.OP(MD) NO.593 of 2025

of 2024 for the offences under Sections 191(2), 191(3), 296(b), 329(3).

WEB COURT

115(2), 351(3) of BNS, 2023. As per the averments of the complaint, they constituted the offences. Thereby, proper investigation was conducted and now, the investigation is almost completed and the charge sheet is yet to be filed. As per the investigation, there are some allegations levelled against the petitioner and *prima facie* materials available. Hence, he strongly opposed to quash the FIR.

6. This Court heard both sides and perused the records.

7. This petition has been filed by the petitioner to quash the FIR in Cr.No.337 of 2024 for the offences under Sections 191(2), 191(3), 296(b), 329(3). 115(2), 351(3) of BNS, 2023. It is a well settled law that in order to quash the FIR, the petitioner has to make out strong ground.

8. According to the contents of the FIR, there are some allegations to constitute offences. If so, an elaborate investigation is required and now, as per the first respondent police, the investigation is almost completed and therefore, it is for the respondent to file Final Report. If anything finds adverse in the Final Report against the petitioner, the



CRL.OP(MD) NO.593 of 2025

petitioner can challenge the same in the manner known to law. Since there is no sufficient material to substantiate the case of the petitioner, it is not appropriate to quash the FIR at this stage without any investigation. Therefore, there is no merit in this petition and this petition deserves to be dismissed.

9. In view of the above discussions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

05.02.2025

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

To

1.The Sub Inspector of Police,
Thiruverumbur Police Station,
Trichy.

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



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CRL.OP(MD) NO.593 of 2025

P.DHANABAL,J

apd

Crl.OP(MD) No.593 of 2025

05.02.2025