



Crl.O.P.(MD)No.1062 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :26.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.1062 of 2025
and Crl.M.P.(MD)No.711 of 2025

1. Manikandan

2. Santhana Selvi

... Petitioners

Vs.

1. The State of Tamil Nadu rep by
Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No. 821/2024

2. Vishnu

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to call for the records and quash the
Crime No. 821 of 2024 dated 08.10.2024 on the file of the 1st respondent.

For Petitioners : Mr.D.S.Haroon Rasheed

For Respondent : Mr.Sakthi Kumar
Government Advocate (Crl. Side) for R1

ORDER

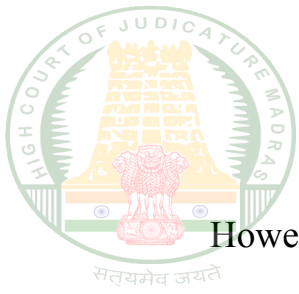
This petition has been filed by the petitioners to quash the Crime No.
821 of 2024 on the file of the first respondent.



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2. According to the petitioners, based on the false complaint given the second respondent, the first respondent has registered a case in Crime No. 821 of 2024 for the offences under Sections 126(2), 296(b), 303(2), 351(3) of BNS, 2023 read with Section 3 of the TN Public Property (Prevention of Damage and Loss) Act, 1992. These petitioners have not committed any offence as alleged in the F.I.R. Even as per the F.I.R, there are no allegations to constitute the offences under sections 126(2), 296(b), 303(2), 351(3) of BNS, 2023 read with Section 3 of the TN Public Property (Prevention of Damage and Loss) Act, 1992. Therefore, the pending F.I.R is nothing but an abuse of process of law. Already the petitioners have also lodged a complaint as against the investigating officer on 30.09.2024 and the same has also not been considered. Therefore, they have filed this petition.

3. The learned Government Advocate (Criminal Side) appearing for the first respondents would submit that based on the complainant given the second respondent, they have registered a case in Crime No. 821 of 2024 for the offences under Sections 126(2), 296(b), 303(2), 351(3) of BNS, 2023 read with Section 3 of the TN Public Property (Prevention of Damage and Loss) Act, 1992. Now the case is under investigation and they will conduct a fair investigation and these petitioners are the accused no. 1 and 2.



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However, the Deputy Superintendent of Police, Valliur can monitor the investigation.

4. Since the case is challenging the F.I.R, now the case is under investigation and the petitioners have also sent a letter for conducting a fair investigation, recording the submissions of the learned Government Advocate appearing for the first respondent, this Court directs the first respondent to conduct a fair investigation. Since there are some allegations to constitute the offence, the F.I.R cannot be quashed at this stage. It is for the petitioners to wait till the final report is filed and if anything adverse in the final report, the petitioners are at liberty to challenge the final report in the manner known to law.

5. With the above said observations, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

26.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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P. DHANABAL, J.,

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To

1. The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.

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

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