



CRL.OP(MD) NO.453 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. O.P(MD) No.453 of 2025

Sadayandi

... Petitioner/Accused No.2

vs.

1.State of Tamil Nadu
rep. by the Sub Inspector of Police,
Vadipatti Police Station,
Madurai.
(Cr.No.326 of 2024)

2.Vinoth Kumar

... 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.326 of 2024 on the file of the 1st respondent police and quash the same as illegal.

For petitioner : Mr.K.Dinesh

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



CRL.OP(MD) NO.453 of 2025

ORDER

WEB COPY

This petition has been filed by the petitioner to quash the First Information Report in Crime No.326 of 2024 on the file of the first respondent police.

2. According to the petitioner, based on the false complaint, he was implicated in this case. Even according to the prosecution case, on 02.11.2024, at about 6.45 a.m., the complainant Vinoth Kumar intercepted by the petitioner and his brother Neelamegam/A1 and his brother used obscene words and physically assaulted the defacto-complainant. There are no specific allegations against this petitioner and wage allegations in respect of threatening alone alleged by the defacto complainant. Therefore, there is no ingredients to constitute the offences against the petitioner. Therefore, pending First Information Report is liable to be quashed.

3. The learned counsel appearing for the petitioner would submit that this petitioner is arrayed as A2 and no specific allegation levelled as against this petitioner. According to the First Information Report and the



CRL.OP(MD) NO.453 of 2025

complaint, no allegations levelled against the petitioner to constitute offences. Further, the petitioner was not present in the scene of occurrence and at that time, he was in temple. Therefore, the false complaint has been foisted against him. Moreover, they sent representation to the first respondent police in this regard. Therefore, the first petitioner has to consider the representation of the petitioner. Therefore, pending First Information Report is liable to be quashed.

4. The learned Additional Public Prosecutor for the first respondent police would submit that the case is under investigation. As per First Information Report, this petitioner also accompanied with his brother/A1 and used obscene words and there are materials available as against the petitioner. There are some allegations against the petitioner attracting the offences. Therefore, at this stage, First Information Report cannot be quashed and this petition is liable to be dismissed.

6. The Court has heard both sides and perused the records.

7. This petition has been filed to quash the First Information Report filed on the ground that there are no ingredients to constitute the offences,



CRL.OP(MD) NO.453 of 2025

and the petitioner was not present in the scene of occurrence and also they sent representation to the police.

8. As per the First Information Report, there are some allegations levelled against the petitioner and therefore, it is not appropriate to quash the First Information Report based on the submissions of the learned counsel for the petitioner. As far as the *alibi* is concerned, the defence cannot be taken at this stage. However, it is for the first respondent police to consider the representation of the petitioner during investigation and take appropriate decision by considering the representation of the petitioner.

9. With the above observations, this Criminal Original Petition is dismissed.

05.02.2025

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



CRL.OP(MD) NO.453 of 2025

To

WEB COPY

1.The Sub Inspector of Police,
Vadipatti Police Station,
Madurai.

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



WEB COPY



CRL.OP(MD) NO.453 of 2025

P.DHANABAL,J

apd

Crl.OP(MD) No.453 of 2025

05.02.2025