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Crl. O.P. No.2989 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl. O.P. No.2989 of 2026

1. Muthulakshmi
2. Selvavel

..Petitioners

Vs

1. The State Represented by
The Inspector of Police,
Veeraganur Police Station,
Salem District.
Cr.No.3 of 2025.

2. Singaram

..Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita to call for the records of the first respondent Police in Crime No.3/2026 and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.M.V.Sukumar

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)
for R1



ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.3 of 2026, pending on the file of the first respondent Police.

2. The case of the prosecution is that on 03.01.2026, the petitioners along with other accused, trespassed into the land of the *de facto* complainant for fencing the land. When the *de facto* complainant questioned the same, the petitioners threatened to kill her. Hence, the *de facto* complainant gave a complaint to the first respondent Police against the petitioners. Based on the complaint given by the second respondent, a First Information Report in Crime No.3 of 2026 was registered against the petitioners, for the offences under Sections 191(2), 329(3), 296(b) and 351(2) of BNS.

3. Learned counsel appearing for the petitioners submitted that the *de facto* complainant is the mother of Jayalakshmi (A1) and the first petitioner (A3) and a civil suit in O.S.No.403 of 2023 is pending between the first accused and *de facto* complainant and others. When the first petitioner tried to solve the dispute between the first accused and the *de facto* complainant, the *de facto* complainant made a false complaint against the petitioners also. Further, the second petitioner who is the husband of the first petitioner was not at all present at the scene of occurrence and he has been falsely implicated in this case.



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4. *Per contra*, the learned Government Advocate (Criminal Side) submitted that the petitioners had assaulted the *de facto* complainant and the case was registered only on 04.01.2026 and that the investigation is still at a nascent stage. He further submitted that whether the second petitioner was present at the scene of occurrence or not, is a matter for investigation and alibi cannot be a ground to quash the impugned proceedings without a proper investigation being conducted regarding the presence of the second accused at the scene of occurrence.

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

6. To be noted, as submitted by the learned Government Advocate (Crl. Side), the impugned FIR was registered only recently, to be precise on 04.01.2026 and the investigation is at its nascent stage. That apart, whether the second petitioner was not at all there at the scene of occurrence, as contended by the petitioners or not, is a matter of investigation. Further, as held by the Supreme Court in **State vs. M. Maridoss and another [(2023) 4 SCC 338]**, it is the right conferred upon the investigation agency to conduct the investigation unless it is found that the allegations in the FIR do not disclose any cognizable offence at all or the complaint is barred by any law and hence, the right



conferred on the investigating agency should not be stifled and a reasonable time should be given to the investigating agency to conduct investigation. For these three reasons, this Court is of the considered view that it would not be proper on the part of this Court to interfere with the impugned FIR at this stage.

7. For the reasons aforesaid, this Criminal Original Petition fails and is accordingly dismissed.

10-02-2026

Neutral Citation: Yes/No
MRN



To

1.The Inspector of Police,
Veeraganur Police Station,
Salem District.
Cr.No.3 of 2025.

2.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

MRN

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