



WEB COPY

CRL OP No. 5305 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26-03-2026**

CORAM

**THE HON'BLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 5305 of 2026**

C.Thiripurasundari

..Petitioner(s)

Vs

1. The State Rep. by its Inspector of Police  
District Crime Branch,  
Sunguvachatram Police Station,  
Kancheepuram District.

2. S.Latha

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to call for the records relating in Charge Sheet filed in C.C.No. 986/2025 on the file of the Judicial Magistrate, Sriperumbudur and quash the same.

For Petitioner(s):

Mr.S.Ganesan

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,  
Addl. Public Prosecutor for R1

### **ORDER**

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No. 986/2025 on the file of the Judicial Magistrate, Sriperumbudur.



2. The petitioner, who is arrayed as A2 in C.C.No.986 of 2025, is facing trial for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNSS r/w Section 4 of the TNPHW Act.

3. The contention of the petitioner is that the case has arisen out of a domestic dispute concerning certain privileges in respect of the defacto complainant's wife. It is further submitted that the husband of the petitioner and the husband of the de facto complainant are brothers. Owing to existing family animosity, a false complaint has been lodged against the petitioner.

4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the present case is a case and counter-case. In the counter-case, the charge sheet has already been filed and the same has been taken cognizance as C.C.No.977 of 2025 on the file of the Judicial Magistrate, Sriperumbudur, against the de facto complainant and others.

5. This Court has carefully considered the submissions made on either side and perused the materials available on record.

6. On perusal of the records, it is seen that the present case and the counter-case arise out of the same set of facts and are the result of a family dispute between closely related parties. The records further reveal that in respect



of the counter-case, a final report has already been filed and taken cognizance by the jurisdictional Magistrate. In matters involving case and counter-case, it is a settled principle of law that both cases should be tried by the same Court to avoid conflicting judgments and to ensure a fair and comprehensive adjudication of the dispute. In the present case, this Court does not find any sufficient ground to quash the proceedings at this stage, as the issues raised involve disputed questions of fact, which can only be adjudicated upon during the course of trial based on evidence.

7. Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to conduct the trial in both C.C.No.986 of 2025 and C.C.No.977 of 2025 on the file of the Judicial Magistrate, Sriperumbudur, simultaneously on the same day and dispose of the same by delivering separate judgments, in accordance with law.

**26-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
VKR

To  
1.The Judicial Magistrate, Sriperumbudur.  
2.The Inspector of Police  
District Crime Branch,  
Sunguvachatram Police Station,  
Kancheepuram District.  
3.The Public Prosecutor, High Court of Madras.



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**M.NIRMAL KUMAR, J.**

**VKR**

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