Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 19810 of 2026

CNR:{HCMA011634642026}

AND CRL MP Nos.13127 & 13128 OF 2026

Case QR

1. Tamilselvan
   S/o. Elumalai,
   No.442(2), Mariyamman Street,
   Valundalankulam, Tiruvannamalai,
   Tamil Nadu-604 601.

2. Tamilmani
   S/o. Elumalai,
   No.442(2), Mariyamman Street,
   Valundalankulam, Tiruvannamalai,
   Tamil Nadu-604 601.

3. Dharman
   S/o. Elumalai,
   No.442(2), Mariyamman Street,
   Valundalankulam, Tiruvannamalai,
   Tamil Nadu-604 601.

..Petitioner(s)

Vs

1. The State Rep by
   The Inspector of Police,
   Kilpennathur Police Station,
   Tiruvannamalai District.
   Crime No.1447 of 2020.

2. R.Vijayakumar
   S/o. Renu,
   New Street, Vazhuthalangunam,
   Kilpennathur Taluk,
   Tiruvannamalai District,
   Tamil Nadu.

..Respondent(s)

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PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to quash the proceedings in C.C.No.442 of 2025, arising out of Crime No.1447 of 2020, on the file of the learned District Munsif-cum-Judicial Magistrate, Kilpennathur, insofar as the petitioners/Accused No.2 to 4 are concerned.

For Petitioner(s): Mr.S.Suriyaprakash

For Respondent(s): Mr.A.Amarnath
Additional Public Prosecutor for R1

Mr.K.Sathish Kumar for R2

Order

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C. No. 442 of 2025, arising out of Crime No. 1447 of 2020, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Kilpennathur, insofar as the petitioners/A2 to A4 are concerned.

2.The case of the prosecution is that on 21.06.2020, at about 9.30 p.m., while the defacto complainant was present at the residence of his uncle, namely, Sekar, there was already previous enmity between the family of Sekar and the accused. Owing to the said enmity, the accused allegedly came to the place of occurrence armed with sticks, stones and other weapons, abused Sekar in filthy language, assaulted him and threatened to kill the de facto complainant, Sekar

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and his family members. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.1447 of 2020 for the offences under Sections 147, 148, 294(b), 323, 324 and 506(i) of the IPC, which was subsequently altered to Sections 147, 148, 294(b), 352 and 506(ii) of the IPC. Upon completion of the investigation, the respondent police filed the final report, which was taken cognizance of by the learned trial Judge in C.C. No. 442 of 2025.

3.The learned Additional Public Prosecutor appearing for the first respondent submitted that, in respect of the very same occurrence, one of the accused had also lodged a complaint before the first respondent police, pursuant to which an FIR was registered in Crime No.1446 of 2020 for the offences under Sections 147, 148, 341, 394(b), 323, 324 and 506(ii) IPC, which was subsequently altered to Sections 341, 294(b), 324 and 506(ii) of the IPC. After completion of the investigation, the first respondent police filed a final report, which was also taken cognizance of by the learned trial Court in C.C. No.426 of 2025, wherein the second respondent herein figures as one of the accused.

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

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5.On perusal of the materials, it is evident that the dispute between the parties arose out of previous enmity between their respective families. It is also seen that, in respect of the very same occurrence, rival complaints came to be lodged by both sides, resulting in the registration of two separate FIRs, namely, Crime Nos.1447 of 2020 and 1446 of 2020. Consequently, two separate criminal proceedings have been initiated against the rival parties. This Court further finds that the allegations levelled against the parties are predominantly arising out of a personal dispute and previous enmity. The allegations are trivial in nature, and no material has been placed before this Court to establish that any of the parties sustained injuries in the alleged occurrence. Continuation of the criminal proceedings in both cases, arising out of the same incident and involving rival accusations between the parties, would only perpetuate the existing animosity and serve no useful purpose.

6.Considering the nature of the allegations, the absence of any injury and the fact that both cases arise out of the same occurrence between rival parties, this Court is of the view that permitting the proceedings to continue would amount to an abuse of the process of law. Therefore, in order to secure the ends of justice, this Court is inclined to quash the proceedings.

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7.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.Nos.442 of 2025 and 426 of 2025, pending on the file of the learned District Munsif-cum-Judicial Magistrate, Kilpennathur, Tiruvannamalai District, are hereby quashed. Consequently, the connected Miscellaneous Petitions are closed.

11-11-2026

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

To

1.The District Munsif-cum-Judicial Magistrate,
Kilpennathur,
Tiruvannamalai District.

2.The Inspector of Police,
Kilpennathur Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,
High Court,
Madras.

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G.K.ILANTHIRAIYAN J.

AH

CRL OP No. 19810 of 2026
AND
CRL MP Nos.13127 & 13128 OF 2026

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