



Crl.O.P.No.2849 of 2026

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.2849 of 2026
and Crl.M.P.No.1949 of 2026

1. Paramasivam
2. Gokulakannan
3. Dhenmozhi
4. A.Ganga Lakshmi
5. G.Sathiya

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Kannakuruchi Police Station,
Salem District.
(Crime No.163 of 2025)

2. Alamelu

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to call for the records pertaining to the charge sheet in CC.No.1782/2025 arising out of the FIR registered in Crime No.163 of 2025 on the file of the Additional Mahila Court, Kallakurichi District and quash the same.

For Petitioner : Mr.G.K.Thamizharasan

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



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ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the charge sheet in CC.No.1782 of 2025 arising out of the FIR registered in Crime No.163 of 2025 on the file of the Additional Mahila Court, Kallakurichi District and quash the same.

2. The case of the prosecution is that on 10.05.2025 at about 18.30 hours, a verbal altercation occurred between the petitioners and the 2nd respondent with respect to the conduct of a local temple festival and during the said quarrel, the petitioners allegedly abused and assaulted the *de facto* complainant. Based on the complaint given by the second respondent/*de facto* complainant, the first respondent police registered the case in Crime No.163 of 2025, for the offences under Sections 191(2), 296(b) and 115(2) of the BNS, 2023 read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, on 10.05.2025, which is now sought to be quashed.

3. Learned counsel appearing for the petitioners would submit that on the complaint given by the petitioners, a case in Crime No.162 of 2025 was registered against the *de facto* complainant. In retaliation, the *de*

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facto complainant/ 2nd respondent has given a counter complaint, based on which the present case in Crime No.163 of 2025 was registered against the petitioners. He would submit that the first respondent, without following the procedure under PSO 566, has filed the final report in both the cases. Hence, he prayed to quash the impugned proceedings pending against the petitioner.

4. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the first respondent would submit that it is a case of case and counter; on the complaint given by the petitioners, the case in Crime No.162 of 2025 was registered and on the counter complaint given by the *de facto* complainant/R2, the present case in Crime No.163 of 2025 was registered. He would further submit that the first respondent police, after duly following the procedure under PSO 566, has filed the final report in both the cases. Both the parties have suffered injuries and there is no violation or irregularity in the investigation being done.

5. Heard both sides and perused the materials available on record. Admittedly, this is a case of case and counter. Though according to the learned counsel for the petitioner, the final report had been filed giving a



go by to PSO 566, it is stated by the learned Government Advocate (Crl.Side), that the first respondent, by following PSO 566, have completed the investigation in both cases and filed the final report in both cases. Be that as it may, since this is a case of case and counter, the Trial Court is directed to follow the procedure as laid down in the case of ***Nathi Lal and other Vs. State of U.P. and another*** reported in ***1990 (Supp) SCC 145***, the relevant portion of which is as follows:

“We think that the fair procedure to adopt in a matter like the present where there are cross cases, is to direct that the same learned judge must try both the cross cases one after the other. After the recording of evidence in one case is completed, he must hear the arguments but he must reserve the judgment. Thereafter, he must proceed to hear the cross case and after recording all the evidence he must hear the arguments but reserve the judgment in that case. The same learned judge must thereafter dispose of the matters by two separate judgments. In deciding each of the cases, he can rely only on the evidence recorded in that particular case. The evidence recorded in the cross case cannot be looked into. Nor can the judge be influenced by whatever is argued in the cross case. Each case must be decided on the basis of the evidence which has been placed on record in that particular case without being influenced in any manner by the evidence or arguments urged in the cross case. But, both the judgments must be pronounced by the



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same learned Judge one after the other.”

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6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. The petitioners 3 to 5 being women, their appearance before the Trial Court is dispensed with.

10.02.2026

Neutral Citation: Yes/No
dsn

To

1. The Inspector of Police,
Kannakuruchi Police Station,
Salem District
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

dsn

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