



Crl.OP(MD)No.769 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2026

CORAM

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD).No.769 of 2026
and Crl.M.P(MD).No.776 of 2026

1.Usha Nanthini
2.Athithiyan
3.Nehru

...Petitioners

Vs.

1.State of Tamilnadu
rep., by the Inspector of Police,
Melur Police Station,
Madurai District.
In Crime No.552 of 2025

2.Malar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records bearing in Crime No.552 of 2025 on the file of the first respondent police and quash the same as against the petitioners alone and devoid of merits.

For Petitioners : Mr.M.Jegadeesh Pandian

For R1 : Mr.B.Thanga Aravindh

Government Advocate (Crl.side)



multiple times, following which, the first respondent Police had closed the complaints in CSR Nos.1145 of 2025 and 1146 of 2025 dated 19.08.2025 by closure reports dated 24.08.2025. He also categorically contended that it is pertinent to mention that while closing the complaints, the first respondent police had recorded that false medical records has been created by the de facto complainant in this case for the purpose of giving a criminal color to a civil dispute. However, later, the defecto complainant in this case had preferred a further complaint on the same set of facts before the Superintendent of Police, on whose direction, the present First Information Report came to be registered, after a lapse of three months on 15.11.2025, for the offences under Sections 296(b), 115(2), 118(1) and 351(3) of BNS. Such an exercise will not stand the scrutiny of law and sought the indulgence of this Court to quash the same.

4.Per contra, the learned Government Advocate (crl.side), on instructions, would submit that Section 173 (4) of BNSS, 2023, mandates that whenever an aggrieved person by a refusal on the part of



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an officer in charge of a police station to record the information referred to in sub-section (1), may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Sanhita and deal with the complaint.

5.In this regard, only at the instance of the de facto complainant, who had preferred a further complaint before the Superintendent of Police, on whose direction, the present Sub-Inspector of Police, namely, Kamalamuthu, was directed to conduct the investigation and he had duly conducted the investigation and registered the present first information report. He also pointed out that the earliest Sub-Inspector of Police, who had closed the complaint, was Jeyakumar.

6.In reply, the learned counsel for the petitioners submitted that the present Sub-Inspector of Police had taken into consideration the



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discharge summary, which was issued by the Government Hospital, Melur, Madurai District, produced by the de facto complainant, which would reveal that the second respondent/defacto complainant was admitted for a period of three days from 19.08.2025 to 21.08.2025. However, the first petitioner, who was injured in the said incident, was also admitted in the hospital from 19.08.2025 to 21.08.2025 and he also placed the discharge summary before this Court.

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

8.Considering the submissions made by either side, this Court hereby directs the petitioners to submit the discharge summary before the Investigating Officer forthwith and the first respondent police is directed to register the cae and investigate the case along with Crime No.552 of 2025 and identify the real aggressors in the alleged incident bndated 19.08.2025.



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9. Accordingly, this Criminal Original Petition is disposed of.
Consequently, connected Miscellaneous Petition is closed.

19.01.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

1. The Inspector of Police,
Melur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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