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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09/01/2026

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

CRL OP(MD). No.419 of 2026
and Crl.M.P(MD).Nos.419 and 420 of 2026

A.Crosswin

... Petitioner

Vs

1.State rep., by
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
Crime No.124 of 2019

2.M.Mohan

... Respondents

PRAYER :-Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records bearing C.C.No.1115 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai and quash the same as against the petitioner and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian
For R1 : Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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ORDER

Seeking to quash the final report in C.C.No.1115 of 2020 on the file of the Judicial Magistrate Court No.V, Madurai, the present Criminal Original Petition is filed by A3.

2. The case of the prosecution in a nutshell is as follows:

(i) On 08.09.2019 at about 04.50 p.m., when the Sub Inspector of Police Mr.Shanthamoorthy and the Head Constable of Police (second respondent/de facto complainant) were on routine rounds, they found all the accused at the banks of a river shouting at each other. When the police requested them to go home after taking bath, all the accused abused them in filthy language and also assaulted them. The accused also took a wooden log and an iron rod and threatened both police officials with dire consequences and attempted to escape in a two~wheeler bearing Reg.No.TN 59 BQ 3376. They were all arrested with the help of general public.



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(ii) Based on the complaint given by the Head Constable of Police (second respondent), an F.I.R. in Crime No.124 of 2019 was registered by the Sub~Inspector of Police, M.Chatrapatti Police Station, against the accused for the offences punishable under Sections 294(b), 332 & 506(2) of IPC corresponding offences under Sections 296(b), 121(1) and 351(2) of BNS. Thereafter, the Sub~Inspector of Police after concluding investigation laid a final report in C.C.No.1115 of 2021 before the Judicial Magistrate Court No.V, Madurai against the accused for the aforesaid offences.

3. Mr.M.Jagadeesh Pandian, learned counsel for the petitioner would contend that the second respondent is a stranger to the petitioner and he did not know his identity or name, whereas the second respondent had took the petitioner while he took bath in the river bank and falsely implicated in the case. It is further contended that the allegation levelled against the petitioner is only an omni bus statement and the petitioner did not abuse the police officials and did not threaten them with dire consequences as alleged by the prosecution. He therefore prayed for quashing the final report as far as the present petitioner is concerned.



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4. Per contra, Mr.B.Thanga Aravindh, learned Government Advocate (Crl. Side) appearing for the first respondent would contend that the police after conducting proper investigation laid the final report and therefore, there are no valid reasons to quash the final report. He therefore prayed for dismissal of this Criminal Original Petition.

5. Heard the counsels on either side and carefully perused the materials available on record.

6. It is relevant to extract Sections 332 and 319 of IPC:

“Section 332 ~ Voluntarily causing hurt to deter public servant from his duty. Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 319. Hurt.?Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt. “



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7. As per Section 332 of IPC, a person who causes hurt to any person being a public servant in discharge of his duty or with intent to prevent or deter that person from discharging his duty or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty, should be punished with imprisonment for a term which may extend to three years, or with fine, or with both. To constitute an offence under Section 332 of IPC, they should have caused bodily pain, disease or infirmity to the de facto complainant as per the definition of -hurt-.

8. It is pertinent to point out that the de facto complainant did not state that he suffered bodily injury due to the assault. The abusive filthy language has not also been clearly stated in the final report which includes the statement of witnesses recorded by the police under Section 161(3) Cr.P.C. Furthermore, it is not also specifically stated as to which accused assaulted the police. The Head Constable also did not undergo any medical treatment in any hospital. In such circumstances, the final report in C.C.No.1115 of 2020 on the file of the Judicial Magistrate



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Court No.V, Madurai, is quashed as far as the present petitioner is concerned.

9. Accordingly, the present Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petitions are closed.

09.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk

To

1.The Judicial Magistrate No.V, Madurai.

2.The Inspector of Police,
M.Chatrapatti 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

CRL OP(MD). No.419 of 2026

Date : 09/01/2026