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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.1273 of 2026
and
CrI.M.P(MD)Nos.1328 & 1329 of 2026

1. C.Shanmugam

2. S.Backiyalakshmi

...Petitioners/Accused Nos.1 to 2

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Gudalur South Police Station,
Theni District.

...1st Respondent/Complainant

2. M.Karthika

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records connected with the case in S.T.C.No.876/2025 pending on the file of the learned Judicial Magistrate, Uthamapalayam and quash the same as illegal.

For Petitioners : M/s.S.Saravanan

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R1
Mr.K.Prabhakaran for R2



ORDER

The present petition has been filed by the first and the second accused in S.T.C.No.876 of 2025 on the file of the Judicial Magistrate, Uthamapalayam, Theni District, seeking to quash the charge sheet wherein they have been charged with offences under Section 296(b) and 351(2) of BNS, 2023.

2. A perusal of the charge sheet reveals that the accused persons have abused the defacto complainant on 08.02.2025 and threatened her due to previous enmity.

3. According to the learned Counsel appearing for the petitioners, the defacto complainant is not a witness in C.C.No.57 of 2022, on the file of the learned Judicial Magistrate, Uthamapalayam, and therefore, there is no necessity for the petitioners to threaten the defacto complaint. He further submits that the final report in C.C.No.57 of 2022 was quashed by this Court in CrI.O.P(MD)No.15567 of 2023. In such circumstances, the present charge sheet has to be quashed.

4. Per contra, the learned Additional Public Prosecutor appearing for the first respondent submitted that the accused persons were under the impression



that only at the instigation of the defacto complainant, the previous criminal case was lodged as against the petitioners herein which has culminated in filing of C.C.No.57 of 2022, and therefore, under the said impression, the defacto complainant was threatened by the petitioners on 08.02.2025.

5. I have considered the submissions made on either side and perused the materials available on record.

6. As could be seen from the charge sheet, the petitioners are said to have threatened and abused the defacto complainant on 08.02.2025 due to previous enmity.

7. A perusal of the submissions would clearly indicate that the defacto complainant is not a list witness in C.C.No.57 of 2022 and therefore, there is no reason whatsoever for previous enmity between the petitioners and the defacto complainant. As far as the charges under Section 296(b), BNS, 2023, are concerned, it is not stated in the charge sheet that they were uttered in public place or caused annoyance to the general public. As far as the charge under Section 351(2) of BNS, 2023, are concerned, there were no allegations in the charge sheet that it was made with an intention to injure.



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8. In such circumstances, this Court is of the considered opinion that the ingredients under Section 296(b) and 351(2) of BNS, 2023, have not been made out and in such circumstances, directing the petitioners to undergo trial who would be a futile exercise.

9. In view of the above said facts, the charge sheet in S.T.C.No.876 of 2025, on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District, stands quashed.

10. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

12.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

1. The learned Judicial Magistrate,
Uthamapalayam.
2. The Inspector of Police,
Gudalur South Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

RJR

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