



Crl.OP(MD)No.1499 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.1499 of 2024

and

Crl.M.P.(MD)No.1036 of 2024

1. Chiranjeevi
2. Senbagavalli
3. Muthukumari

... Petitioners/Accused No.

Vs.

1. The State of Tamil Nadu,
Rep . by The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.231/2021

.... 1st Respondent / Complainant

2. Muthulakshmi

... 2nd Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.400 of 2022 on the file of the learned Judicial Magistrate Court No.1, Srivaikundam and quash the same in respect of the Petitioners/Accused No.1 to 3 herein.



Crl.OP(MD)No.1499 of 2024

For Petitioners : Mr.P.Aju Tagore
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

ORDER

Preface:

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure seeking to quash the final report in C.C.No.400 of 2022 on the file of the learned Judicial Magistrate No.I, Srivaikundam, arising out of Crime No.231 of 2021, for the offences punishable under Sections 294(b), 323 and 506(ii) IPC. The petitioners also seek dispensation of their personal appearance and interim protection pending disposal of the proceedings.

2. The case presents a classic instance of a case and counter-case emerging from a familial property dispute, where both sides have suffered injuries and charge sheets have been filed in respect of the same occurrence.



Crl.OP(MD)No.1499 of 2024

WEB COPY

Case of the prosecution:

3. The prosecution case, in brief, is that due to long-standing animosity relating to ancestral property, the petitioners allegedly trespassed into the residence of the *defacto* complainant on 10.08.2021 at about 12.00 noon, abused the complainant's husband and son in obscene language, voluntarily caused hurt, and criminally intimidated them.

4. Based on the complaint lodged by the *defacto* complainant, FIR in Crime No.231 of 2021 was registered. Investigation culminated in filing of a final report before the learned Judicial Magistrate.

5. During the same transaction, the third petitioner lodged a counter-complaint, which was registered as Crime No.230 of 2021 alleging offences under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. Both cases were investigated by the same Investigating Officer and charge sheets were filed. One accused in the counter case, being



a juvenile, was dealt with separately before the Juvenile Justice Board, Thoothukudi.

Grounds for quash:

6. The petitioners contend that the impugned prosecution is liable to be quashed on the following grounds:

(i) The occurrence is a single transaction giving rise to a case and counter-case; both charge sheets were mechanically filed without identifying the real aggressor.

(ii) The investigation violates settled principles governing cross cases and Police Standing Orders requiring fair assessment of the genesis of the occurrence.

(iii) Medical evidence contradicts the prosecution allegations, particularly the alleged overt act attributed to the first petitioner.

(iv) Admission of guilt by the juvenile in the counter case demonstrates that the *defacto* complainant's party was the aggressor.

(v) Continuation of prosecution amounts to abuse of process and causes undue hardship.



WEB COPY

Arguments on either side:

7. The learned counsel for the petitioners submits that the dispute is rooted in ancestral property and residential occupation, where both sides have equal entitlement. The quarrel was mutual and resulted in injuries on both sides. It is argued that the Investigating Officer failed to comply with established procedure governing case and counter-case situations and mechanically filed final reports in both cases.

8. The learned counsel highlights inconsistencies between medical records and the allegations, especially the absence of injuries supporting the specific overt act attributed to the first petitioner. It is further submitted that the juvenile's admission of guilt in the counter case establishes that the complainant's party initiated the aggression. The petitioners seek quashment, or alternatively dispensation of personal appearance.

9. The learned counsel for the *defacto* complainant contends that the prosecution is supported by medical evidence and witness statements showing injuries to the complainant's family. It is argued



Crl.OP(MD)No.1499 of 2024

that issues of aggressor determination, credibility of medical evidence, and factual contradictions are matters for trial and cannot be adjudicated under Section 482 Cr.P.C., 1973.

10. The learned Government Advocate (Crl. side) submits that both parties sustained injuries and the truth can be determined only through evidence at trial.

Point for consideration:

11. Whether the continuation of proceedings in C.C.No.400 of 2022 amounts to abuse of process warranting interference under Section 482 Cr.P.C., particularly in a case and counter-case arising from the same occurrence?

Analysis:

12. It is undisputed that the occurrence gave rise to two FIRs registered on the same day, involving allegations and counter allegations arising from a familial property dispute. Both cases were investigated by the same officer and charge sheets were filed.



WEB COPY

13. The law governing exercise of inherent jurisdiction under Section 482 Cr.P.C., 1973, is well settled: quashment is warranted only when the allegations do not disclose an offence, are manifestly absurd, or continuation would amount to abuse of process.

14. In case and counter-case situations, while investigating agencies are expected to fairly examine the genesis of the occurrence, failure to conclusively identify the aggressor does not automatically vitiate prosecution where *prima facie* materials exist.

15. The petitioners rely on medical inconsistencies and juvenile proceedings in the counter case. However, contradictions in medical evidence, overt act attribution, and aggressor determination involve appreciation of evidence, a function reserved for trial. Admission of guilt by a juvenile in separate proceedings does not conclusively establish aggression for purposes of quash jurisdiction, especially when both sides have sustained injuries.

16. This Court is not expected to conduct a mini trial or evaluate disputed facts at this stage. The materials placed disclose



Crl.OP(MD)No.1499 of 2024

triable issues requiring adjudication. Therefore, the prosecution cannot be characterized as malicious or inherently improbable warranting quashment.

17. However, considering that the petitioners include women and a daily wage earner, and the dispute arises from a family property quarrel, limited procedural protection may be granted to avoid hardship.

18. The inherent jurisdiction of this Court is intended to prevent miscarriage of justice, not to short-circuit legitimate prosecution where factual disputes demand trial scrutiny. The present matter involves contested versions of the same occurrence that must be resolved by the trial court upon evidence.

19. In the result, the Criminal Original Petition seeking quashment of proceedings in C.C.No.400 of 2022 is dismissed.

20. The petitioners' personal appearance before the learned Trial Court is dispensed with, except when specifically required for



Crl.OP(MD)No.1499 of 2024

framing of charges, examination under Section 313 Cr.P.C., 1973, or as directed by the learned Trial Court.

21. The learned Trial Court is directed to proceed with the matter expeditiously and in accordance with law. Consequently, connected miscellaneous petition is closed.

27.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate Court No.1,
Srivaikundam.
- 2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.OP(MD)No.1499 of 2024

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.1499 of 2024

27.02.2026