



CRL OP(MD). No.2517 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 26/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2517 of 2026

and

CRL MP(MD). No.2801 of 2026

1. Solamalai,
 2. Thirumalai,
 3. Vijayan,
 4. Lakshmi
- ... Petitioners / Accused Nos.1 to 4

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
Thirupparamkundram Police Station,
Madurai District.
In Crime No.237/2023.

2. Guruvammal
- ... Respondents

PRAYER :-

To call for the records pertaining to the impugned Charge Sheet in CC No.02/2024 on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai and to Quash the same as illegal as against the petitioner/accused No.1 to 4.



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For Petitioner : Mr. M.Vivek Kumar,
Advocate.

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the impugned Charge Sheet in CC No.02/2024 on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai and to quash the same as illegal as against the petitioner/accused No.1 to 4.

2. Learned counsel for the petitioners submitted that the petitioners are accused Nos. 1 to 4 in the pending CC No.2 of 2024 on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai. The case of the prosecution is that on 15.05.2023, the de facto complainant, one Guruvammal lodged a complaint before the respondent police that on the same day, the accused persons 1 to 4 had a chat with one Nithya, in abusive language and asked her to return her pending installment of the loan obtained through Women Self Help Group. At that time, when the



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defacto complainant intercepted, the petitioners 2 and 3, came to the spot and had abused the defacto complainant's sons in filthy language and had beaten up her son with steel pipe and threatened them with dire consequences. On the basis of which a first information report in Crime No.237 of 2023 was registered under for the offences under Sections 294(b), 324, 506(ii) of IPC and Section 4 of TNPHW Act. It is stated that the petitioners were also hurt in that physical and verbal altercation for which, the first petitioner had lodged a complaint before the first respondent police and Crime No. 238 of 2023 was registered for the offences under sections 294(b) and 323 of IPC as against the husband of the defacto complainant and two others. After the investigation, both the FIRs culminated in laying chargesheet before the learned Judicial Magistrate VI, Madurai in C.C.No.2 of 2024 as against the petitioners herein in Crime No.237/2023 and STC No.3969 of 2023 as against the husband of the defacto complainant in Crime No.238/2023. Since the offence under the TNPHW Act, is registered in Crime No.237/2023, the charge sheet in C.C.No.2 of 2024 was transferred to the learned Judicial Magistrate Additional Mahila Court, Madurai and STC No.3969 of 2023 is pending before the Judicial Magistrate No.VI, Madurai. The husband



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of the de facto complainant who is the accused therein had pleaded guilty and had also paid fine of Rs.1,500/-.

3. Learned counsel for the petitioners categorically contended that in view of the admission made by the husband of the defacto complainant in the counter case, following the mandates of *T.Balaji and another Vs. The State reported in 2024 -2-L.W.(Crl.)175*, the charge sheet laid in this case in CC.No.2 of 2024 as against this petitioners should necessarily be quashed.

4. The learned Government Advocate(Crl.side) submitted that as far as the case in STC.No.3969 of 2023 is concerned, the offences are only under Sections 294(b) and 323 of IPC and the husband of the defacto complainant herein is the sole accused. However, the present case pending for trial in C.C.No.2 of 2024 is registered as against four persons for different overt act for the offences under Sections 294(b), 324, 506(2) and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The defacto complainant herein got injured and obtained medical certificate and also the statement of expert



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witnesses have also been obtained by the first respondent police which would substantiate the physical injury suffered by the de facto complainant.

5. Heard either sides and carefully perused the materials available in record.

6. Considering the mandates of ***T.Balaji and another Vs. The State reported in 2024 -2-L.W.(Crl.)175***, considering the nature of the facts involved that STC No.3969 of 2023 and C.C.No.2 of 2024, are case and case in counter, the trial of both the cases ought to have been conducted by the same Court simultaneously. In the considered view of this Court, the procedure adopted by the learned Judicial Magistrate No.VI, Madurai is *per se* illegal. While dealing with a case and a counter case, there is no question of disposing of one case and transferring the another case to some other court. In view of the fact that both the cases have arisen out of the same incident, in the instant case, already the defacto complainant had pleaded guilty in the STC No.3969 of 2023 and a judgment has also been passed. Therefore, the continuation of the



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proceedings as against the petitioner's in the impugned charge sheet in C.C.No.2 of 2024, could be a clear abuse of process of law and in fact this court has allowed a similar case in CrI.O.P(MD)No.19914 of 2024 by order dated 30.01.2025. Fully fortified with the abovesaid principles, the proceedings in CC.No.2 of 2024 on the file of the learned Judicial Magistrate Additional Mahila Court, Madurai, is quashed.

7. Accordingly, this Criminal OriginalPetition is allowed. Consequently, connected miscellaneous petitions are closed.

26.02.2026

NCC : yes / no
Index : yes / no

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To

- 1.The Judicial Magistrate Additional Mahila Court, Madurai.
2. The Inspector of Police, Thirupparamkundram Police Station, Madurai District. In Crime No.237/2023.
3. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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L. VICTORIA GOWRI,J

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