



Crl.O.P(MD)No.6637 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.6637 of 2024

and

Crl.M.P(MD)Nos.5066 & 5068 of 2024

1.Premalatha
2.A.Surya
3.Jeya Bharathi

... Petitioners/A1-A3

Vs.

1.The State of Tamil Nadu,
Rep.by The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Crime No.342/2022)

... Respondent/Complainant

2.Anitha

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.2225 of 2023 in Crime No.342 of 2022 on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same as illegal.

For Petitioner : Mr.A.Prabhu Raj



WEB COPY



Crl.O.P(MD)No.6637 of 2024

For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

For R2 : Mr.R.Sethuraman

ORDER

Seeking quashment of the final report in C.C.No.2225 of 2023 in Crime No.342 of 2022 on the file of the learned Judicial Magistrate No.IV, Madurai, this criminal original petition is filed.

2. The learned counsel for the petitioners submitted that the petitioners are accused 1 to 3 in the pending C.C. For the incident which is alleged to have happened on 30.08.2022, the defacto complainant had lodged a complaint on 04.09.2022 and the First Information Report in Crime No.342 of 2022 was registered for the offences under Sections 294(b), 323 and 506(1) IPC. However, after investigation, final report was filed before the learned Judicial Magistrate No.VI, Madurai for the offences under Sections 294(b), 323, 506(1) and 427 IPC. The case of the prosecution is that the defacto complainant is the daughter of one Muniyasamy who had passed away.



Crl.O.P(MD)No.6637 of 2024

With respect to the house property in Door No.6/64, Karpaga Nagar 8th street, K.Pudur, Madurai District, a dispute prevails between the defacto complainant as well as the petitioners. In this regard, on 30.08.2022 at about 11.00 a.m., the defacto complainant and her siblings received information that the 1st petitioner and her hench men are trying to demolish the house, following which they had rushed to the place of occurrence and on questioning the said deed of the 1st petitioner, all the accused persons together abused them in filthy language, pushed them down and gave life threat to them, for which the aforesaid complaint was lodged and First Information Report was also registered. However, the real fact is that the 1st petitioner is the daughter-in-law of the said Muniyasamy and the 2nd petitioner is the son of the 1st petitioner. The 3rd petitioner is the sister of the 1st petitioner. The 1st petitioner is residing in the first floor of the aforesaid building from the date of her marriage. In the meanwhile, her husband one Anand passed away. Even after his death, she continued to reside in the first floor of the said building. The real fact is that on 30.08.2022, it was a defacto complainant who had proceeded to the said building and had committed damage to the wall of



Crl.O.P(MD)No.6637 of 2024

the building. The defacto complainant and her henchmen proceeded to the said building and caused hindrance to the petitioners who are actually arranged for maintenance work in the first floor of the said building. As a result, wordy altercation had happened between the disputing parties. Following which, the 1st petitioner had lodged a complaint as against the defacto complainant on 30.08.2022 itself and she was also admitted in the hospital, for which the CSR was also issued by the 1st respondent Police in C.S.R.No.412 of 2022. She had taken treatment as in-patient in the hospital Government Rajaji Hospital, Madurai, ward 99. The defacto complainant after coming to know that the 1st petitioner is hospitalized and had given a complaint, on 04.09.2022, the defacto complainant had lodged a complaint alleging that on 30.08.2022, she was attacked and hurt and she was criminally intimidated. For which, the First Information Report was registered on 04.09.2022 and the CSR number issued was 500 of 2022. The learned counsel insisted that the sequence of events as narrated by him itself would reveal the falsity of the nature of the complaint lodged by the defacto complainant and sought for quashment. He also insisted



Crl.O.P(MD)No.6637 of 2024

that a careful reading of the chargesheet itself would reveal that no specific overt act would be made out for the offences charged as against them.

3. Per contra, the learned Government Advocate(crl.side) submitted that the defacto complainant received the said property by way of Will. On the date of occurrence, when the defacto complainant doing the maintenance work, the petitioner along with henchmen came to the occurrence place, abused the defacto complainant and demolished the wall. The statement under Section 161 of Cr.P.C of one Saratha, the sister of the defacto complainant would clearly substantiate that the alleged offences were clearly made out. Hence, this criminal original petition should be dismissed

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



Crl.O.P(MD)No.6637 of 2024

WEB COPY

5. It is self-evident from the records available that two F.I.Rs in Crime Nos.341 and 342 of 2022 have been registered by the 1st respondent police. Crime No.341 of 2022 has been registered as against the defacto complainant and others at the instance of the 1st petitioner herein and Crime No.342 of 2022 has been registered as against the petitioners herein at the instance of the defacto complainant. It is also self evidence from the details in both the F.I.Rs that as far as the F.I.R in Crime No.341 of 2022 is concerned, C.S.R was issued by the 1st respondent in C.S.R.No.412 of 2022 for the complaint received on 04.09.2022 at 14.00 hours. However, as pointed out by the learned counsel for the petitioner, for the F.I.R in Crime No.342 of 2022, C.S.R.No.500 of 2022 has been issued for the information received on 04.09.2022 at 04.30 hours. It is also clear that the 1st petitioner has been admitted on 30.08.2022 itself in Government Rajaji Hospital, Madurai and only on intimations from the hospital on 04.09.2022, the 1st respondent police has gone to the Government Hospital and have received the complaint on 04.09.2022 and only after coming to know that the complaint has been received from the 1st petitioner at 04.00



Crl.O.P(MD)No.6637 of 2024

p.m., the defacto complainant has proceeded to the 1st respondent police station on the same day at 04.30 p.m to lodge a complaint. The very sequence of the events itself would create suspicion on the genuinity of the allegations in the complaint lodged by the defacto complainant. That apart, a careful perusal of the complaint lodged by the defacto complainant would reveal that the complaint has been given in a tight format, in which the time and date of occurrence has been inserted in a handwritten insertion as 03.05.2022 morning 11.00 hours. Coming to the contents of the charge sheet, the offences charged are under Sections 294(b), 323, 427 and 506(1) IPC.

6. Section 294 (b) IPC deals with causing annoyance to anyone by uttering obscene or unparliamentary words in or near any public place. It is needless to state that the alleged incident had happened inside residence where the 1st petitioner is claiming to live even after the death of her husband though the same is denied by the defacto complainant. However, even in the affidavit filed by the petitioners in this case, the address given by the petitioners is reflected as the place of



Crl.O.P(MD)No.6637 of 2024

occurrence. However, it is clear that the defacto complainant is residing in some other address and she claims right over the portion of the property only by the strength of certain Will executed by her father Muniyasamy. The offence under Section 294(b) will not be made out.

7. As far as Section 323 IPC is concerned, no expert witness are cited in the charge sheet and there is no specific allegation of being hurt by the petitioners in the charge sheet. The defacto complainant or any others being hurt by the petitioner. Hence, the offence under Section 323 IPC will not be made out.

8. As far as Section 427 of IPC is concerned. when the entire prosecution story is at stake, the same will not be made out and Section 506(1) of IPC will not be made out.

9. The scope and ambit of the inherent powers of this Court, while invoking the powers under Section 482 Cr.P.C, the same should



Crl.O.P(MD)No.6637 of 2024

be exercised sparingly with circumspection and in the rarest of rare case to prevent abuse of process of Court or to secure the ends of justice. However in the instant case, while considering this petition, this Court is required to examine whether the uncontroverted allegations made in the final report and the materials accompanying would disclose the commission of any offence. Not only the allegations in the final report, but also the materials accompanying the final report is creating clear doubt and suspicion as to the veracity of the sequence of events as narrated in the present case. A careful perusal of the final report and the materials on record reveals that the allegations against the petitioners are bald, vague and sweeping and unsupported by any particular specific overt act. Even if the entire prosecution case is accepted as it stands, the essential ingredients of the offences under Sections 294(b), 323, 427 and 506(1) IPC are conspicuously absent. The dispute between the parties appeared to be one which had arisen out of the Will which was alleged to have been executed by one Muniyasamy who is none other than the father-in-law of the 1st petitioner and the father of the defacto complainant. Hence, invocation of criminal law in the given



Crl.O.P(MD)No.6637 of 2024

facts of the case would amount to giving a criminal color to a civil dispute with respect to a property arising out of the execution of the alleged Will by one deceased Muniyasamy, who is the father of the defacto complainant. Hence, allowing the prosecution to continue would serve no fruitful purpose except subjecting the petitioners to unnecessary harassment. This Court is also mindful that the criminal law cannot be permitted to be used as a tool for arm twisting and to settle scores arising out of civil disputes when the foundational facts necessary to constitute an offence or absent compelling an accused to undergo the rigors of a criminal trial would amount of abuse of process of law, the prosecution fails. All the offences under Sections 294(b), 323, 427 and 506(1) IPC in the final report is quashed.

10. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

29.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
gbg



Crl.O.P(MD)No.6637 of 2024

WEB COPY

To

- 1.The Judicial Magistrate No.IV,
Madurai.
- 2.The Inspector of Police,
K.Pudur Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.6637 of 2024

L.VICTORIA GOWRI, J.

gbg

Crl.O.P(MD)No.6637 of 2024

29.01.2026