



CRL OP(MD). No.3171 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3171 of 2026

and

CRL MP(MD)No.3435 of 2026

1. Muniyaraj,
2. Sankar,
3. Saritha,
4. Santhi,
5. Hemalatha,
6. Dhanasekar,
7. Ragu,
8. Subburaj

... Petitioners / Accused Nos.1 to 8

Vs

1. State of Tamilnadu Rep by,
Inspector of Police,
Nazareth Police Station ,
Thoothukudi District,
Crime No.349/2025.

2. Sundaram,
Sub Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

... Respondents

PRAYER :-

To call for the records pertaining to the case Crime No.349/2025 dated 12.12.2025 on the file of the 1st respondent police and to quash the same in so far as the petitioners/accused Nos.1 to 8.



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For Petitioner : M/s.J.David Ganesan,
Advocate.

For Respondent : M/s.Thanga Aravindh.B
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the case Crime No.349/2025 dated 12.12.2025 on the file of the 1st respondent police and to quash the same in so far as the petitioners/accused Nos.1 to 8.

2. The learned counsel that petitioner submitted that the petitioners herein are accused Nos.1 to 8 in crime No.349 of 2025 on the file of the first respondent police station for the offences under Sections 3(5), 296(b), 126(2), 121(1), 132 r/w 49 of BNS, 2023. The case of the prosecution is that on 12/12/2025 at about 10:00 a.m., the de-facto complainant received oral information from one Velraj S/o. Pandi Nadar, who is the brother of the accused person, stating that he has been continuously conducting pooja activities in the temple namely Munasamy Temple, Kattayanoor, for the past several years. In this

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regard, a continuous pooja for the Tamil month Karthigai was also conducted by the said Velraj. In order to conduct the same in the present year, the said Velraj had gone to the temple, by which time the petitioners joined together and prevented him from entering into the temple. Therefore, the said Velraj had lodged a complaint and the same was taken on file in CSR No.737 of 2025 by the first respondent police. There after the de-facto complainant along with some police officials went to the said temple at about 12:00 p.m, on 12/12/2025 and enquired about the incident with the petitioners, during which time the petitioners had illegally prevented the respondent police from discharging their duties by conducting an enquiry and also abused the respondent police. Further the petitioners also attacked the police officials and threatened them with dire consequences and they have also caused injury to one Head Constable No.933. In this regard, this case was registered. However, the learned counsel for the petitioner submitted that the allegations are vague, bald and sweeping in nature and no specific overt act is made out as against each of the petitioners and hence sought the indulgence of this Court for quashment of the First Information Report.

3. Per contra, the learned Government Advocate on instructions



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submitted that it is a clear case of assault and criminal force, deterring the respondent police from discharging their duties and in fact the 4th petitioner herein had gone to the extent of biting the finger of one Women Head Constable bearing Head Constable No.933 and they have intentionally registered the case for the offences including Section 132 and 126(2) of BNS and hence each of them have abused the police party with filthy words and hence each of the offences are made out and sought for dismissal of the criminal original petition.

4. Heard either sides and carefully perused the materials available on record.

5. A careful reading of the First Information Report itself would make it clear that the offences under Section 296(b) of BNS is not made out since no public has given any complaint as against the petitioners as to they were annoyed by the utterances of the petitioners. Section 126(2) of BNS is defines, wrongful restraint, which is extracted as follows :

" Section 126 - Wrongful restraint



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(1) Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.

(2) Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both."

6. The FIR do not narrate as to which officer was obstructed by which person so as to prevent them from proceeding in which direction, that prevented them from performing their duty. In fact, the FIR itself do not disclose any clear narrative as to what kind of official duty was restrained by the attitude and behaviour of the petitioners. It is also clear that no one has given any written complaint as against the petitioners and it is all internal administrative dispute in a temple where the police had volunteered to visit the temple premises and had hindered the petitioners from the proper administration of the temple, unnecessarily without any proper complaint from any of the common public. As far as the other Section 121 of BNS is concerned, the same is with respect to voluntarily causing hurt or grievous hurt to deter public servants from discharging



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his duty. Though it is claimed that one of the Woman Police Constable is bitten by the 4th petitioner herein, no details as to whether she was treated or she was admitted to the hospital, is disclosed. Since the other references are not made out, the offence under section 132 of BNS, will not go automatically.

7. A complete reading of the First Information Report itself would make it clear that the allegations are unsupported by any specific overt act or any specific role attributable to each of the petitioners herein. Even if the entire prosecution case is accepted in full, the essential ingredients of each of the offences as alleged are conspicuously absent insofar as the petitioners are concerned. The dispute between the parties, though narrated by the petitioners, to be a matter pertaining to administration of the Temple, not even a single common public or even anyone interested in the administration of the temple has come forward to the respondent police with a written complaint. In the absence of any written complaint, the police themselves had proceeded to the temple and had registered a case without any specific overt act. Allowing the prosecution to continue would serve no fruitful purpose except



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subjecting the petitioner to unnecessary harassment. Criminal law cannot be permitted to use as a tool for armed resting after settling scores arising out of temple disputes, which are predominantly civil in nature and the foundational facts which are necessary to constitute an offence are absent, compelling the accused to undergo the trial would amount to abuse of process of law. Therefore, this Court is satisfied that the continuation of the impugned proceedings would defeat the ends of justice or object.

8. Accordingly, this Criminal Original Petition is allowed and the impugned FIR in Crime No.349/2025 dated 12.12.2025 on the file of the first respondent is quashed. Consequently, connected miscellaneous petition stands closed.

16.02.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Inspector of Police, Nazareth Police Station ,
Thoothukudi District, Crime No.349/2025.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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and
CRL MP(MD)No.3435 of 2026

Date : 16/02/2026