



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.2698 of 2026

and

Crl.M.P(MD)No.3008 of 2026

Seelan

...Petitioner/Accused No.3

Vs

1. State of Tamil Nadu,
Rep by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Crime No.563 of 2025.

2. Sasi Prabha

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records in Crime No.563 of 2025 pending investigation on the file of the 1st respondent police and quash the same as against the petitioner.

For Petitioner

: M/s.P.Suresh

For Respondents

: M/s.P.Samuel Gunasingh
Counsel for State of TN(crl.side)
for R1
M/s.S.Balaji for R2

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ORDER

The present petition has been filed by the third accused in crime No.563 of 2025, on the file of the first respondent police wherein the petitioner is alleged to have committed offences under Sections 296(b), 115(2), 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. A perusal of the FIR reveals that the petitioner's maternal uncle, namely, Selvapandi, had received some amount from the defacto complainant and had agreed to transfer his property in her name. However, the said Selvapandi, had sold the property in favour of his sister, namely, Selvakumari, who is arrayed as A1. Selvakumari's sons are arrayed as A2, A3 and A4.

3. It is alleged in the FIR since the property was sold to A1, in violation of the oral agreement entered into with Selvapandi, the defacto complainant on being invited for repayment of the money had entered into the house of the first accused. The first accused and the other accused persons are said to have abused the defacto complainant. As far as the overtact as against the present petitioner(A3) is concerned, he is said to have caught hold of the hands of the defacto complainant and attacked in the back of the defacto complainant.



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4. A perusal of 161 statement of the Doctor reveals that the defacto complainant has not co-operated for the treatment and she had left abruptly and therefore, he is not in a position to issue any certificate with regard to the nature of the injuries.

5. According to the learned Counsel appearing for the petitioner, in order to get the money given to Selvapandi, the present false complaint has been lodged. He further submits that even as per the allegations in the FIR, abusing the defacto complainant is said to have taken place inside the house of the defacto complainant and in such circumstances, Section 296(b) of BNS, 2023 would not get attracted. He further submits that there is no specific reference about any overtact as against the present petitioner. Hence, he prays for quashing of the charge sheet.

6. Per contra, the learned Counsel appearing for the second respondent submits that in the 161 statement, the defacto complainant has specifically pointed out that the accused person had attacked her and in such circumstances, merely because it had taken place within the premises of the house of the first accused, the petitioner cannot take advantage of the same.



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

8. A perusal of the FIR clearly reveals that the defacto complainant had visited the house of the accused person and inside the house, when he had demanded the money, wordy quarrel had taken place. The alleged abuse of the defacto complainant had taken place inside the house of the first accused, the question of invoking Section 296(b) of BNS, 2023 does not arise.

9. As far as the allegation as against the petitioner that he is said to have attacked the defacto complainant is concerned, the defacto complainant having abruptly left the hospital and refused to get treatment, would clearly indicate that she was not at all injured in the said incident. It further reveals that the FIR does not specifically disclose what type of attack was made by the present petitioner herein and therefore, it is clear that the involvement of the petitioner in the occurrence is highly unbelievable.

10. In view of the above said facts, this Court is of the considered opinion that continuation of the prosecution as against the petitioner/A3 would only be



an abuse of process of law. As far as the other accused persons are concerned, this Court is not expressing any opinion.

11. In view of the above said facts, FIR in crime No.563 of 2025, on the file of the first respondent police stands quashed as against the petitioner alone.

12. Accordingly, this Criminal Original Petition stands allowed. Any charge sheet filed as against the petitioner would also stand quashed. Consequently, connected miscellaneous petition is also closed.

03.06.2026

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

To

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

Copy to:-

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



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R.VIJAYAKUMAR, J.

RJR

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