



Crl.O.P.(MD) No.3764 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.3764 of 2026
and Crl.M.P(MD).No.4031 of 2026

Kavitha

... Petitioner/A3

Vs.

1.The State of Tamil Nadu,
rep., by its The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.445 of 2025

2.Kalaivani

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records bearing Crime No.445 of 2025 on the file of the first respondent police and quash the same as against the petitioner alone and devoid of merits.

For Petitioner : Mr.M.Jegadeesh Pandian

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl. Side)



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ORDER

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Seeking quashment of the impugned FIR in Crime No.445 of 2025 on the file of the first respondent police, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that at the instance of the second respondent, a first information report in Crime No. 445 of 2025 came to be registered as against the petitioner and two others for the offences under Sections 296(b) and 115(2) of BNS, 2023 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. The case of the prosecution is that on 17.09.2025 the petitioner and two others had attacked the mother of the defacto complainant, in which, she was injured and later, on the next day, she had died. In this regard, the petitioner has been roped in as third accused. However, proper evidence to prove that during the alleged time and date of occurrence, the petitioner was actually working as staff Nurse at Government Rajaji Hospital, Madurai, is available.



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3.The learned counsel for the petitioner pointed out that the limited prayer, which he seeks before this Court, is to direct the first respondent police to conclude the investigation, considering the petitioner's attendance register.

4.Considering the nature of the relief sought and the limited relief proposed to be granted to the petitioner, notice to the second respondent is dispensed with.

5.The learned Government Advocate(crl.side) submitted that two incidents had happened. The first incident happened at 07:00 a.m. The second incident happened at about 04:00 pm. It is for the investigation officer to look into the aspect of alibi, which has been raised by the learned counsel for the petitioner.

6.Heard either side and carefully perused the materials available on record.



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7.The petitioner has raised a plea of alibi, which is open to her under law. It is the considered opinion of this Court that the petitioner is at liberty to produce proof in support of his plea of alibi before the Investigating Officer. The Investigating Officer is directed to verify the same, and if it is found to be genuine, to take appropriate steps to drop the petitioner from the array of accused and refrain from proceeding further against her. Therefore, at this stage, without expressing any opinion on the merits of the allegations in the First Information Report and the petitioner's plea of alibi, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

20.02.2026

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
Rmk

Copy To:

- 1.The Inspector of Police,
Melur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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