



Crl.O.P.(MD).No.4742 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.4742 of 2026

and

Crl.M.P.(MD).Nos.5079 and 5080 of 2026

Rajasekar

...Petitioner

Vs

1.The State of Tamilnadu Rep. By its,
The Sub Inspector of Police,
Suchindram,
Kannyakumari District.

2.Rajam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records relating to the case in C.C.No.15 of 2024 dated 15.09.2021 on the file of the Additional Mahila Court, Nagercoil and quash the same in respect of the petitioner/accused.



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For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.R.Meenakshi Sundaram (for R1)
Additional Public Prosecutor

ORDER

The present petition has been filed seeking to quash the case in C.C.No. 15 of 2024 dated 15.09.2021 on the file of the Additional Mahila Court, Nagercoil and quash the same in respect of the petitioner/accused, which arises out of an FIR in Crime No.625 of 2020 on the file of the first respondent Police station, wherein the petitioner has been charge sheeted for the offences under Sections 448 and 506(i) of IPC and Section 4 of TNPHW Act.

2.As per the case of the prosecution, the petitioner herein is a temple poojari, and when the de facto complainant entered the temple, the petitioner is alleged to have abused and misbehaved with her. Therefore, the present complaint has been lodged.

3.Accroding to the learned counsel appearing for the petitioner, it is a case and a counter case. In fact, he had lodged a complaint as against the



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defacto complainant and the same has been registered in Crime No.622 of 2022 on the file of the same Police station. According to him, the police ought not to have registered the FIR without ascertaining who the aggressor was. He further submitted that, at the time of the alleged occurrence, he was in the hospital and, therefore, there is no possibility of the occurrence of the said incident; hence, it is a false case.

4.Heard the learned counsel on either sides and perused the materials available on records.

5.It could be seen from both the FIRs that the incidents are alleged to have taken place at two different places on two different dates. Therefore, the contention of the petitioner that the cases arise out of a case and counter-case is not acceptable. That apart, the defence of alibi raised by the petitioner herein cannot be considered at the stage of quashing of the FIR; therefore, the relief sought in the petition cannot be granted.

6.However, considering the request made by the learned counsel appearing for the petitioner, the personal appearance of the petitioner herein is dispensed with unless specifically directed by the trial Court.



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7. With the above said observations, this Criminal Original Petition stands dismissed. Consequently, the connected Crl.M.P.(MD).No.5080 of 2026 is ordered in respect of the petitioner alone and Crl.M.P.(MD).No.5079 of 2026 is closed.

04.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg

To

1. The Additional Mahila Court, Nagercoil.
2. The Sub Inspector of Police,
Suchindram,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

vsg

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