



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.06.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.O.P.(MD)No.5068 of 2026

and

CrI.M.P.(MD)No.5428 of 2026

Gurusamy

...Petitioner/Sole Accused

Vs

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
Crime No.88/2025.

...Respondent No.1/De-jure Complainant

2. Santhi Lakshmi

...Respondent No.2/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the entire records connected to Charge Sheet in CC No.391/2025 on the file of the learned Judicial Magistrate, Karaikudi, and quash the same as illegal as against the Petitioner.

For Petitioner : Dr.R.Alagumani

For Respondents : M/s.N.Balasubramanian
Counsel for State of TN(crl.side)
for R1
Mr.M.Jegadeesh Pandian for R2



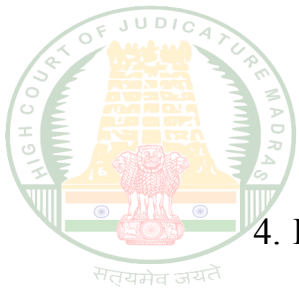
WEB COPY

ORDER

The present petition has been filed by the sole accused in C.C.No.391 of 2025 on the file of the learned Judicial Magistrate, Karaikudi, seeking to quash the charge sheet wherein the petitioner is charged with the offences under Sections 296(b) and 324(4) of BNS, 2023 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. A perusal of the charge sheet reveals that the petitioner is said to have damaged the washing room, puja room and bathroom of the defacto complainant and also abused the defacto complainant.

3. According to the learned Counsel appearing for the petitioner, the petitioner and the husband of the defacto complainant are brothers and they have partitioned the property in order to reach the first floor of the property. When he was trying to construct steps, only his side of the property was damaged and not the property belonging to the second respondent. However, the learned Counsel appearing for the second respondent submits that the portion that was allotted to the second respondent's husband was damaged wantonly when her husband was abroad.



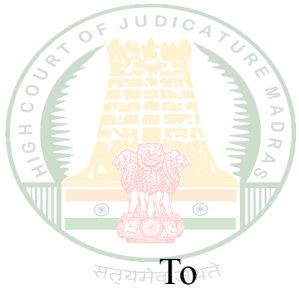
4. I have considered the submissions made on either side and perused the materials available on record.

5. The issue that was raised by both the parties clearly indicates that there is a factual dispute whether the property that was allotted to the second respondent was damaged by the petitioner while attempting to put up construction of steps or not. This issue cannot be decided in the quash petition and it is a subject matter of the trial.

6. In view of the above said facts, there are no merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

02.06.2026

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



WEB COPY

1. The learned Judicial Magistrate,
Karaikudi.

2. The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

Copy to:-

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



WEB COPY



R.VIJAYAKUMAR, J.

RJR

CrI.OP.(MD)No.5068 of 2026

02.06.2026