



Crl.O.P(MD)No.4481 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.4481 of 2024

and

Crl.M.P.(MD).Nos.3528 and 3530 of 2024

1.Parameshwari

2.Mariappan

... Petitioners / A1 and A2

Vs.

1.The State represented by
The Sub-Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.
(Crime No.269 of 2022)

... Respondent No.1 / Complainant

2.Anna Pottu

... Respondent No.2 / Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned Charge Sheet in C.C.No.578 of 2022 on the file of the learned Judicial Magistrate Court, Tenkasi and to quash the same.



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For Petitioners : M/s.Pavithra,
for Mr.A.Haja Mohideen

For R1 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal Side)

For R2 : Mr.R.Iyappan

ORDER

This Criminal Original Petition has been filed seeking quashment of the final report in C.C.No.578 of 2022 on the file of the learned Judicial Magistrate Court, Tenkasi.

2. The case of the prosecution is that on 19.08.2022, the defacto complainant let out drainage water from her house into the road, thereby causing public nuisance. On noticing the same, the first petitioner objected to the act of letting out waste water in front of the defacto complainant's house at about 07:45 a.m. It is further alleged that a quarrel ensued between the petitioners and the defacto complainant, during which the defacto complainant was abused and attacked by the petitioners with a stone, resulting in injuries. Based on the complaint, a case in Crime No.269 of 2022 was



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registered on 23.08.2022 for the offences under Sections 294(b) and 324 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

3. The learned counsel for the petitioners submitted that the petitioners are arrayed as Accused Nos.1 and 2 before the learned trial Court. He further submitted that the defacto complainant herself had caused public nuisance by letting out drainage water into the road, and the petitioners were only questioning such act. It is contended that the petitioners have been falsely implicated and that the charge sheet does not disclose any specific overt act against them. It is further submitted that the statements recorded under Section 161 Cr.P.C., particularly that of the doctor, would show that the defacto complainant approached the hospital only on 21.08.2022, i.e., two days after the alleged occurrence, and the injury was certified as simple in nature, thereby casting doubt on the prosecution version.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that as per the statement of the defacto complainant recorded under Section 161 Cr.P.C., it is clearly stated that on the date of



occurrence, the first petitioner had thrown a stone on her chest. However, considering that they are neighbours, she had initially not lodged any complaint, but later, when she suffered pain, she approached the hospital and took treatment as an in-patient. Hence, it is submitted that the statements and materials disclose *prima facie* involvement of the petitioners, and therefore, the petition is liable to be dismissed.

5. This Court has considered the rival submissions made on either side and perused the materials available on record.

6. At the stage of considering a petition for quashment of the final report, this Court is required to examine whether the materials placed by the prosecution disclose a *prima facie* case against the accused. In the present case, the prosecution alleges that the defacto complainant sustained injuries due to a stone thrown by the first petitioner during the course of a quarrel. However, the materials reveal that the defacto complainant approached the hospital only after two days of the alleged occurrence, and the injury has been certified as simple in nature. These circumstances create a doubt with regard



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to the version of the prosecution. Further, a careful reading of the charge sheet does not disclose any specific instance of annoyance caused to the public so as to attract the ingredients of Section 294(b) IPC. The essential elements of the said offence, namely, causing annoyance in a public place, are not *prima facie* made out from the materials on record.

7. In view of the above, this Court is of the considered opinion that continuation of the proceedings as against the petitioners would amount to abuse of process of law. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.578 of 2022 on the file of the learned Judicial Magistrate Court, Tenkasi, is quashed. Consequently, the connected miscellaneous petitions are closed.

17.02.2026

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

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To

1.The Judicial Magistrate Court,
Tenkasi.



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2. The Sub-Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
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