



Crl.OP(MD)No.5394 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP(MD).No.5394 of 2025

and

Crl.M.P(MD)Nos.3926 and 3930 of 2026

1. Suriya
2. Karuppasamy
3. Mahendran
4. Malathi
5. Pravin Kumar
6. Jeyaseeli
7. Jesumariyan

... Petitioners/ Accused No.1 to 7

Vs.

1. The State of Tamilnadu
Rep. by the Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
In Crime No.148/2023.

... Respondent No.1/Complainant

- 2.Muniyaselvi

... Respondent No.2/De-facto
Complainant



Crl.OP(MD)No.5394 of 2025

PRAYER : Petition filed under Section 528 of BNSS, 2023, to call for the records in the case in P.R.C.No.86/2023 on the file of the learned Additional District Munsif Cum Judicial Magistrate Court, Sivagiri, Tenkasi District and quash the same as illegal.

For Petitioners : Mr. M.Jothi Basu

For R-1 : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.86 of 2023 pending on the file of the learned Additional District Munsif-cum-Judicial Magistrate Court, Sivagiri, Tenkasi District.

2. Considering the nature of the relief sought for and the order proposed to be passed, notice to the second respondent is dispensed with.

3. The case of the prosecution, as borne out from the final report, is that the second respondent / *de-facto* complainant, a married woman, was approached by the first petitioner, who



allegedly made a false promise of marriage and had repeated sexual intercourse with her, resulting in pregnancy. It is further alleged that when the *de-facto* complainant demanded marriage, the petitioners 2 to 7, who are the relatives of the first petitioner, abused her, attacked her and criminally intimidated her.

4. Based on the complaint, the first respondent police registered a case in Crime No.148 of 2023 for the offences under Sections 376(2)(n), 354(A), 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and the same culminated in filing of the final report in P.R.C.No.86 of 2023.

5. The learned counsel for the petitioners would submit that the allegations are inherently improbable and have been exaggerated. It is further submitted that there is no specific overt act attributed to the petitioners 2 to 7 and they have been roped in only on account of their relationship with the first petitioner. It is also contended that even as against the first petitioner, the materials do not disclose the ingredients of the offence under Section 376(2)(n) IPC.



Crl.OP(MD)No.5394 of 2025

WEB COPY

6. Per contra, the learned Government Advocate (Crl.Side) would submit that the charge sheet contains specific allegations and the truthfulness of the same can be tested only during trial. It is further submitted that a *prima facie* case is made out warranting continuation of proceedings.

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

8. At the outset, it is well settled that while exercising jurisdiction under Section 528 of BNSS (corresponding to Section 482 Cr.P.C.), this Court is required to see whether the allegations, taken at face value, constitute the offences alleged and whether continuation of proceedings would amount to abuse of process of law.

9. Insofar as the first petitioner is concerned, the allegations disclose that there was a relationship between the parties and that the *de-facto* complainant had allegedly consented on account of a promise of marriage. Whether such consent was vitiated and whether



the ingredients of Section 376(2)(n) IPC are attracted are matters that require deeper appreciation of evidence and cannot be conclusively decided at this stage.

10. However, on a careful reading of the final report, this Court finds that the allegations, even if taken as true, do not *prima facie* satisfy the stringent requirements to constitute the offence under Section 376(2)(n) IPC. At best, the allegations may give rise to offences falling under Sections 354(A) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

11. Insofar as the petitioners 2 to 7 are concerned, the allegations are omnibus and general in nature. No specific overt act has been attributed to each of them. The statements of witnesses also do not disclose any concrete material to substantiate the offences alleged against them.

12. It is trite that vague and bald allegations, without specific attribution, cannot be the basis for prosecuting relatives of the



Crl.OP(MD)No.5394 of 2025

principal accused. Permitting such prosecution would amount to misuse of criminal law and abuse of process of Court.

13. In the present case, this Court is of the considered view that the continuation of proceedings as against the petitioners 2 to 7 would be wholly unwarranted and liable to be quashed.

14. Accordingly, this Criminal Original Petition is partly allowed on the following terms:

(i) The offence under Section 376(2)(n) IPC as against the first petitioner is quashed.

(ii) The proceedings in P.R.C.No.86 of 2023 are quashed in entirety as against the petitioners 2 to 7.

(iii) The prosecution as against the first petitioner shall continue only for the offences under Sections 354(A) and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

15. The learned Additional District Munsif-cum-Judicial Magistrate, Sivagiri, Tenkasi District, is directed to proceed with the



Crl.OP(MD)No.5394 of 2025

case as against the first petitioner and complete the trial as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

19.02.2026

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

To

- 1.The Additional District
Munsif-cum-Judicial Magistrate,
Sivagiri, Tenkasi District.
- 2.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.5394 of 2025

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.5394 of 2025

19.02.2026