



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.5707 of 2026

and

CrI.M.P.(MD)Nos.6185 & 6187 of 2026

1. Durai
2. D.Muthulakshmi ...Petitioners/Accused

Vs

1. State of Tamilnadu,
Rep by the Inspector of Police,
Tirunelveli Police Station,
Tirunelveli District.
(Crime No.314 of 2025) ...1st Respondent/Complainant
2. Suresh ...2nd Respondent/Defacto Complainant
3. Sabithalakshmi ...3rd Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the records pertaining to the Charge Sheet in C.C.No.3048 of 2025 on the file of the Judicial Magistrate IV, Tirunelveli, and quash the same as illegal so far as this petitioner is concerned.

For Petitioners : M/s.C.S.Priya

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
for R1



ORDER

WEB COPY

The present petition has been filed by the accused persons in C.C.No. 3048 of 2025, on the file of the learned Judicial Magistrate No.IV, Tirunelveli, seeking to quash the charge sheet wherein the petitioners are charged with offences under Sections 296(b), 351(2), 324(2) and Section 3(5) of BNS, 2023.

2. A perusal of the charge sheet as against the petitioners reveals that the petitioners are said to have demolished the bathroom wall of the defacto complainant and when they were confronted, they are alleged to have abused the defacto complainant and threatened him.

3. According to the learned Counsel appearing for the petitioners, the bathroom wall belongs to them and therefore, they have got a right to demolish it. This Court is of the considered opinion that this issue has to be decided only during trial and cannot be a ground for quashing the charge sheet.

4. Considering the above said facts, this Court does not find any merits in the petition. Accordingly, this Criminal Original Petition stands dismissed. However, the presence of the petitioners shall be dispensed with by the trial Court unless they are specifically called upon by the Court. Consequently, connected miscellaneous petitions are also closed.

23.03.2026

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



To

WEB COPY

1. The learned Judicial Magistrate IV,
Tirunelveli.
2. The Inspector of Police,
Tirunelveli Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

CrI.OP.(MD)No.5707 of 2026

23.03.2026