



Crl.O.P.(MD)No.8276 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.02.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.8276 of 2024
& CrI.M.P.(MD)No.5621 of 2024

1.Muthukannan
2.Shanmugathai

... Petitioners

Vs.

1. The State Rep. by
The Sub-Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.

2.Maheswaran

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in pursuant to the impugned charge sheet CC No.176/2022 pending on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District in Crime No.35/2022 on the file of the Keelarajakularaman Police Station, Virudhunagar District, and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.V.Uthayakumar

For Respondents : Mr.M.Sakthi Kumar (R1)

Government Advocate

Mr.M.Thirunavukkarasu (R2)



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ORDER

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This criminal original petition has been filed seeking to quash the final report in CC No.176/2022 pending on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District in relation to the case in Crime No.35/2022 on the file of the Keelarajakularaman Police Station, Virudhunagar District.

2. The petitioners herein are accused Nos. 2 and 3 in the pending trial in CC No. 176/2022 before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District. According to the prosecution, the dispute arose among the family members of one Muthu Pillai concerning the partition of their properties. The first petitioner and the defacto complainant are brothers, while the second petitioner is the sister of the defacto complainant. On 11.02.2022, at around 06:30 a.m., when the defacto complainant visited the lands allotted to his share for the purpose of constructing a compound wall, the petitioners and the other accused, who resided on the adjacent land, restrained the defacto complainant and his family members and abused them with filthy language.

3. The first petitioner had attempted to attack the defacto complainant with an iron rod, which was interrupted by Murugeshwari, the wife of the



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defacto complainant. During the intervention, she was injured in her left hand by the iron rod, causing bleeding. Additionally, the second petitioner, along with the sixth accused, Mohanasundareswar, attacked the defacto complainant on his backside with a wooden stick. They together threatened the defacto complainant and his family members with dire consequences., following which a complaint was lodged before the first respondent police on 14.02.2022 and an FIR in Crime No.35 of 2022 was registered for the offences under Sections 147, 294(b), 323, 324 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The same culminated in laying charge sheet for the offences under Sections 147, 294(b), 324 and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 as against the first petitioner herein and for the offences under Sections 147, 294(b), 323 and 506(2) of IPC as against the second petitioner herein.

4. The learned counsel for the petitioners submitted that no specific overt act is made out against the petitioners herein and that the matter is purely a civil dispute among family members. It was further submitted that the dispute has now been resolved, and that a criminal colour has been given to it at the instance of the defacto complainant. Hence, the learned counsel sought the indulgence of this Court to allow this petition.



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5. The learned Government Advocate appearing for the respondent police submitted that specific overt acts are attributable to the petitioners. The first petitioner attacked the defacto complainant with an iron rod, thereby causing injuries. The second petitioner, who is the sister of the defacto complainant, attacked the defacto complainant and his wife using a wooden log, thereby causing injuries. Two expert witnesses have given their statements under Section 161(3) Cr.P.C. There are sufficient averments attracting the offence under Section 294(b), 506(ii) and 147 of IPC is clearly made out. Since the injured person is a woman, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 is also clearly made out.

6. Heard the learned counsel on either sides and carefully perused the materials placed before this Court.

7. At the stage of considering a petition for quashment of a final report, this Court is required to examine only whether the allegations made in the charge sheet and the materials accompanying it prima facie disclose the commission of any offence.



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8. In the instant case, the defacto complainant, who is also an injured eyewitness to the incident, has been included in the list of witnesses. In addition, two other eyewitnesses have also been cited. An expert witness to substantiate the injuries sustained by the injured witness has likewise been included.

9. The offence under Section 294(b) of the IPC is clearly made out by the nature of the words uttered, which caused annoyance and even physical hurt to the defacto complainant's wife, Murugeshwari, who is cited as LW2. This is also a clear case where an offence under Section 323 of the IPC is made out against the second petitioner and an offence under Section 324 of the IPC is made out against the first petitioner. Section 506(ii) of the IPC is also clearly made out in view of the physical hurt caused, and since the injured person is a woman, Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 is also clearly attracted.

10. This Court cannot embark upon a meticulous appreciation of evidence or adjudicate upon the veracity of the allegations as to the nature of having given a criminal color to a civil dispute. In the case on hand, a careful perusal of the final report and the materials placed on record prima facie reveals



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the involvement of the petitioners in the alleged occurrence. The statements of the witnesses, even if accepted as they stand, disclose the essential ingredients of the offences alleged.

11. The contentions of the petitioners relate to factual disputes and defences, which cannot be examined by this Court at this stage while considering the matter under its inherent powers under Section 482 Cr.P.C. The issues are to be tested at the time of trial. Criminal law cannot be thwarted at the threshold merely on the basis of defences projected by the accused. This Court finds no infirmity, perversity, or illegality in the final report. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

17.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

1. The Sub-Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
- 2.The Judicial Magistrate, Rajapalayam, Virudhunagar 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
Crl.O.P.(MD)No.8276 of 2024

Dated
17.02.2026