



Crl.O.P.(MD)No.17726 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2026**

CORAM:

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

Crl.O.P.(MD)Nos.17726 and 15398 of 2025
and Crl.M.P.(MD).Nos.14512 and 12535 of 2025

Crl.O.P(MD).No.17726 of 2025

1.Durai Socrates
2.Elamavinash
3.Elangovan

... Petitioners/A1 to A3

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
Usilampatti Town Police Station,
Madurai City.
Crime No.167 of 2025

2.AnnaPerumaye

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in connection with the FIR in Crime No.167 of 2025 on the file of the first respondent and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.A.S.Vaigunth
For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.)
For R2 : Mr.K.K.Samy



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Crl.O.P.(MD).No.15398 of 2025

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1.Annaperumayee
2.Rajaseker
3.Kanagalakshmi

... Petitioners/A1 to A3

Vs.

1.State of Tamil Nadu
rep., by the Inspector of Police,
Usilampatti Town Police Station,
Madurai City.
Crime No.194 of 2025

2.K.Durai Socrates

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to S.T.C.No.337 of 2025 on the file of the learned Judicial Magistrate No.I, Usilampatti and quash the same as abuse of law.

For Petitioner	: Mr.K.K.Samy
For R1	: Mr.M.Sakthikumar
	Government Advocate (Crl.)
For R2	: Mr.A.S.Vaigunth

COMMON ORDER

The parties were referred to the Mediation Centre attached to this Court with respect to the indifferences and disputes, which had arisen between the parties in Crl.O.P(MD)Nos..17726 and 15398 of 2025, however a settlement could not be arrived at.



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2.The case of the prosecution in Crl.O.P(MD).No.17726 of 2025 is that the husband of the Defacto complainant/AnnaPerumaye is working in Q-Branch as a Special Sub-Inspector of Police and the defacto complainant is also doing the Cable Business by obtaining proper permission from the Government. While so, on 18.04.2025, at about 9:30 PM, when the defacto complainant accompanied with her son, namely, Rajasekar, had engaged in cable work at Mamarathupatti Main Road, Usilampatti, near to house of one Kubenthiran, a local resident, all the accused persons prevented them from doing the cable work and abused the defacto complainant in filthy language and also damaged the cables and mobile phone of her and her son and issued life threat with dire consequences. In this regard, FIR in Crime No.167 of 2025 was registered for the offences under Sections 296(b), 115(2), 324 (4) and 351(2) of BNS and Section 4 of Tamil nadu Prohibition of Harassment of Women Act, 2002, by the first respondent police as against the petitioners.

3.The case of the prosecution in Crl.O.P(MD).No.15398 of 2025 is that the brother of the defacto complainant/Durai Socraties got cable licence and installed cable wire in various street of Mamaratthupatti and provided the cable connections to the various houses. On 18.04.2025, at about 9:30 PM, the accused person along with her son and daughter damaged and cut the cable



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wire and when the same was questioned, the accused persons quarreled with the brother of the defacto complainant, threatened and assaulted him and his brother. In this regard, FIR in Crime No.194 of 2025 was registered for the offences under Sections 296(b), 115(2) and 351(2) of BNS, by the first respondent police as against the petitioners.

4.The first petitioner in Crl.O.P(MD).No.17726 of 2025 is the defacto complainant in Crime No.194 of 2025 and the first petitioner in Crl.O.P(MD).No.15398 of 2025 is the defacto complainant in Crime No.167 of 2025. This is a case and case in counter. In Crime No.194 of 2025, investigation was completed and final report was filed by the respondent-police and the same was taken cognizance in S.T.C.No.337 of 2025 before learned Judicial Magistrate No.I, Usilampatti, Madurai District. However, the first respondent police did not file a final report in Crime No.167 of 2025. In this regard, when the matter came up for hearing, the learned counsel for the petitioners submitted that following the mandates of the judgment rendered by the Hon'ble Full Bench of this Court in the case of ***T.Balaji and another v. State*** reported in ***2024 (5) CTC (1)***, the prosecution ought to have stated prompt reasons for not filing a final report in the other case, failing which, both the cases should be quashed and sought quashment of the case.



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5.Per contra, the learned Government Advocate (Crl.side), on instructions, submitted that since a valuation report is awaited in Crime No.167 of 2025, the final report has not been filed so far. However, it is found by the Investigation Officer that both the parties have exceeded the limits of law and are considered to be aggressors as against each other, and hence, very shortly, final report would be filed in Crime No.167 of 2025, and hence, sought for dismissal of the case.

6.Heard the learned counsel on either side and carefully perused the materials available on record.

7.A careful reading of the judgment of the Hon'ble Full Bench of this Court in the case of ***T.Balaji and another Vs., State***, it could be understood that, “*Where after a thorough investigation, if the investigation officer finds that both the parties have acted lawlessly or committed acts of aggression, without obtaining the opinion of the Public Prosecutor, the investigation officer can very well file two final reports in such cases, however, the Investigating Officer must assign proper reasons indicating the factual reasons for filing 2 final reports in such cases*”. This would indicate that final reports should be



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filed simultaneously, assigning reasons in both the final reports as to how the Investigation Officer came to a conclusion that both the parties have exceeded the limits of law and had committed acts of aggression. In the absence of the same, both the prosecution cases should fail. Accordingly, the impugned FIR in Crime No.167 of 2025 on the file of the first respondent police is hereby quashed and also the final report in S.T.C.No.337 of 2025 on the file of the learned Judicial Magistrate Court No.I, Usilampatti, Madurai District, is also quashed.

8.In result, both the Criminal Original Petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

06.01.2026

NCC : Yes / No

Index : Yes / No

Rmk

TO:-

- 1.The Judicial Magistrate Court No.I,
Usilampatti, Madurai District.
- 2.The Inspector of Police,
Usilampatti Town Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

Order made in
Crl.O.P.(MD)Nos.17726 and 15398 of 2025

Dated
06.01.2026