



Crl.O.P.(MD)No.20481 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.02.2026**

CORAM:

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

Crl.O.P.(MD)No.20481 of 2025

and

Crl.MP(MD)No.17359 of 2025

K.Mahendran

... Petitioner/Accused No.1

Vs.

1.State of Tamil Nadu Rep by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.579 of 2012)

... 1st Respondent/Complainant

2.Manikandan

... 2nd Respondent/Defacto
Complainant

PRAYER : Petition filed under Section 528 of BNSS, 2023, to call for the entire records of the impugned FIR in Crime No.579 of 2012 on the file of the 1st respondent dated 07.11.2012 and quash the same as illegal.

For Petitioners : Mr.V.Kathirvelu, Senior Counsel for
Mr.T.Ravikumar

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor, for R1
: Mr.V.Jayasethupathi, for R2



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ORDER

This petition has been filed to quash the impugned FIR in Crime No.579 of 2012 on the file of first respondent police.

2. The learned counsel for the petitioner submitted that the petitioner herein is the first accused. Against him and twenty other persons, First Information Report in Crime No.579 of 2012 was registered on the complaint made by the 2nd respondent for the offences under Sections 147, 294, 323, 324, 341, 355 and 506(2) IPC.

3. The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, on 07.11.2012 at about 02:00 PM, while the defacto complainant was waiting inside the office room of the public prosecutor to meet the Mr.Balasubramaniyan (Public Prosecutor), the petitioner pulled his shirt and abused him in filthy language and also called other advocates. As a result of which, the petitioner along with 20 advocates have attacked the defacto complainant with hands and caused injuries. Hence, at the instance of the defacto complainant, First Information Report in Crime No.579 of 2012 was registered for the above said offences. However, even after a lapse of 13 years, the investigation has not been concluded and hence, he sought the indulgence of this Court.



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4. The learned Additional Public Prosecutor appearing for the first respondent submitted that the investigation is almost completed and final report was filed before the learned Judicial Magistrate, Melur through online and the same has not been taken on file. In which, the petitioner and two other advocates, namely, Prasanna Vinod and Pandiyarajan are arrayed as accused.

5. Per contra, the learned counsel for the petitioner on instructions, submitted that another First Information Report in Crime No.578 of 2012 was registered as against the defacto complainant alone for the very same offences.

6. The learned Additional Public Prosecutor submitted that even in that matter, investigation has been completed and final report was filed before the learned Judicial Magistrate, Melur by way of e-filing against the defecto complainant and four other persons and the same has not been taken on file.

7. Heard both sides and carefully perused the materials available on record.



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8. The arguments made on either side, would make it clear that it is all a dispute between the relatives. Insofar as the Crime No.579 of 2012 is concerned, all are advocates. Even after a lapse of 13 years from the date of registration of the FIR, the first respondent has not taken any diligent steps to get the final report, which has been filed in the e-filing mode to be taken on to prosecute the case.

9. The learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in *Madhupandit Das Vs. The State of West Bengal & Another* reported in *2023 Livelaw (SC) 446*, in which the Hon'ble Supreme Court has categorically held that unexplained inordinate delay in filing to prosecute a case must be taken into consideration as a very crucial factor and the same would be a valid ground for quashing a criminal complaint.

10. In the light of the same, even in this case, considering the prosecution has not taken diligent steps to prosecute the case in Crime No.579 of 2012, this Court is inclined to quash the proceedings insofar as the petitioner herein is concerned.



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11. Accordingly, the impugned FIR in Crime No.579 of 2012 on the file of first respondent police, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

04.02.2026

NCC : Yes / No
Index : Yes / No
dss

TO:-

1. he Inspector of Police,
Othakadai Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madras.



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L.VICTORIA GOWRI, J.

dss

Order made in

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and
Crl.MP(MD)No.17359 of 2025

Dated
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