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Crl.O.P.(MD) Nos.21545 of 2025, 9169 and 9182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 10.02.2026

Pronounced on: 16.04.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Crl.O.P.(MD) Nos.21545 of 2025, 9169 and 9182 of 2023

and

Crl.M.P(MD).Nos.18518, 18519 of 2025, 7508, 7509, 7500, 3819 and 7499 of 2023

Crl.O.P.(MD) Nos.21545 of 2025:

Nallasivam

... Petitioner

Vs.

1. State of Tamilnadu,
Represented by The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.

2. K.Kandhasamy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for records of the impugned Charge Sheet in C.C.No.177 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aruvakurichi, Karur District and quash the same as illegal.

For Petitioner: Mr.N.Ananda Kumar

For Respondents : Mr.A.S.Abul Kalaam Azad
Government Advocate(Crl.Side) for R1
Mr.K.Sukumar for R2

Crl.O.P.(MD) Nos.9169 of 2023:

1. K. Kandhasamy



Crl.O.P.(MD) Nos.21545 of 2025, 9169 and 9182

2. N.K.K.RAVIEKKUMAR
(Wrongly shown as Ravikkumar)

Petitioner(s)

Vs

1.The State Represented by,
The Inspector of Police,
Chinnadharapuram Police Station,
Karur District. (Crime No.64 of 2021)

2.Nallasivam

Respondent(s)

CRL OP(MD) NO. 9182 of 2023:

1.Kavitha
2.Rasammal

Petitioner(s)

Vs

1.The State Represented by,
The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.

2. Nallasivam

Respondent(s)

In both cases:

For Petitioner(s): Mr.N.Suresh

For Respondent(s): Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl.side) for R1
Mr.N.Anandakumar for R2

Prayer In both cases: To call for records in CC.No.176 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Aravakurichi to quash the same

COMMON ORDER

The petition in Crl.O.P.(MD) Nos.21545 of 2025 has been filed to quash the charge sheet in C.C.No.177 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aruvakurichi, Karur District. The petitions in Crl.O.P.(MD)Nos.9169



and 9182 of 2023 have been filed to quash the charge sheet in C.C.No.176 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aruvakurichi, Karur District.

2. The case of the prosecution is that earlier one Kandhasamy and Nallasivam had a verbal altercation over the land dispute, for which the case was registered and the same is also pending. The said Nallasivam obtained permission from EB to install an electric motor in his agricultural land, for which he wanted to erect an electric pole in a common pathway. On 29.03.2021 at about 1.45 P.M, the said Kandhasamy came to know regarding the erection of electric pole and that the said Nallasivam is going to his agricultural land with all electrical materials in one Pitchaimuthu's tractor, due to which the Kandhasamy's son one Raviekumar called the Pitchaimuthu over phone and explained the situation and asked him not to proceed further. But the Nallasivam proceeded further by driving the tractor into the common pathway. At that time the Kandhasamy's son Raviekumar prevented the Nallasivam who is driving the tractor and was trying to get the keys from the tractor. The said Nallasivam attacked the Kandhasamy's son on his nose and when the Kandhasamy was trying to prevent the same, the Nallasivam attacked the Kandhasamy with aruval and thereafter, the Kandhasamy's wife and daughter-in-law were also trying to prevent the Nallasivam. But the said Nallasivam attacked the Kandhasamy's wife and daughter-in-law also and thereafter, the said Nallasivam,



Pitchaimuthu and 3 known persons attacked the Kandhasamy's family members and threatened them with dire consequences. According to Nallasivam he was also attacked by Kandhasamy and his family. Thereafter the Kandhasamy lodged the complaint against Nallasivam and others and F.I.R came to be registered in Crime No. 63 of 2021 on 30.03.2021 on the file of the 1st respondent initially for the offences under Sections 294(b), 323, 324, 506(ii) of I.P.C was registered and later the respondent police altered the section and filed a charge sheet in C.C. No. 177 of 2022 against the Nallasivam and other accused for the offences under Sections 294(b), 323, 326, 506(ii) of I.P.C r/w 4 of TNPHW before the District Munsif cum Judicial Magistrate, Aravakurichi, Karur. Against the same the 1st accused Nallasivam had filed the quash petition in Crl.O.P.(MD)No. 21545 of 2025.

3. The complaint preferred by the said Nallasivam was also enquired and FIR was registered in Crime No.64 of 2021 and the same taken on file in C.C.No.176 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aravakurichi, Karur for the alleged offences under sections 341, 324 and 506(1) of IPC. Against the same the 1st and 2nd accused Kandhasamy and Raviekumar had filed Crl.O.P.(MD)No.9169 of 2023 and 3rd and 4th accused Kavitha and Rasammal had filed Crl.O.P.(MD)No. 9182 of 2023 for the same C.C.No.176 of 2022. The case of the prosecution is that the said Kandhasamy's family had attacked Nallasivam on his head, shoulder with



iron rod, wooden logs and Nallasivam was treated in hospital as inpatient, wherein the injury ought to be treated with stitches on head.

4. Since all three cases arises from the same cause of action and it is the case of case in counter, all the three quash petitions were taken together and common order is passed.

5. Heard Mr.N.Ananda Kumar the learned Counsel appearing for the petitioner / Nallasivam in Crl.O.P.(MD)No. 21545 of 2025 and 2nd respondent / Nallasivam in Crl.O.P.(MD)Nos.9169 and 9182 of 2023, Mr.A.S.Abul Kalaam Azad, the learned Government Advocate(Crl.Side) appearing for 1st respondent in all the three petitions, Mr.K.Sukumar the learned Counsel appearing for 2nd respondent in Crl.O.P.(MD)No. 21545 of 2025 and Mr.N.Suresh, the learned Counsel appearing for petitioners in Crl.O.P.(MD)Nos.9169 and 9182 of 2023 and perused the records.

6. The primary contention of the petitioners in all the three Crl.O.P. petitions are that the informant and the investigating officer are one and the same person, hence the investigation becomes vitiated as held by the Hon'ble Supreme Court in the case of Mohan Lal Vs. State of Punjab in Crl.A.No.1880 of 2011 vide judgment dated 16.08.2018. This Court is not accepting the said contention since the same



cannot be ground for quashing the FIR. It depends on the facts and circumstances of each case as held in Mukesh Singh Vs. State (NCT of Delhi) reported in 2020 10 SCC 120 wherein the Constitution Bench had held FIR cannot be automatically quashed merely because the complainant and investigating officer are the same person and the question of bias or unfair investigation must be determined on the case-by-case basis by considering the facts and circumstances of each case. In the present case there is no basis as alleged by the parties. Therefore, the said ground is rejected.

7. In Crl.O.P.(MD)No. 21545 of 2025 the alleged offences are under sections 294(b), 323, 326, 506(ii) of I.P.C. read with section 4 of Tamil Nadu Prevention of Harassment of Women Act, 2002. To consider whether the section 294(b) is attracted the said section is extracted hereunder:

"Section 294. Obscene acts and songs. —Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

The said section is applicable if the accused utters any words to the annoyance of others in public place. In the present case, on reading of charge sheet would indicate



that the two words uttered by the accused Nallasivam would not indicate the same would not be at the “annoyance of others”. Further it is a fight between Nallasivam and K.Kandhasamy and his family members and three persons who had helped the erection of pole, which would indicate it is not uttered in public place. In such circumstances, the ingredients of section 294(b) are not attracted and the said section is not applicable.

8. The next contention is that the section 323 and 326 are not attracted. The said sections are extracted hereunder:

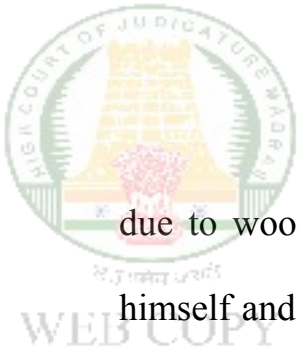
"Section 323. Punishment for voluntarily causing hurt. —Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Section 326. Voluntarily causing grievous hurt by dangerous weapons or means. —Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."



The allegation against the petitioner Nallasivam is that he had attacked Kandhasamy, his son Raviekumar and his daughter Kavitha by hand, wooden log, stones and aruval and caused grievous injury. On perusing the doctor's statement, it is seen that the doctor had stated that the said Kandhasamy and Kavitha were treated as inpatient for three days and he had issued a certificate as "simple injury". If it is simple injury then it is not necessary to treat as inpatient, therefore this Court is of the considered opinion that the injury caused to Kandhasamy and Kavitha are simple injury. Further there are three persons on the side of the complainant and on the other side there is only one person i.e. the petitioner Nallsivam alone, then the petitioner would have defended himself and there is no evidence for voluntarily causing hurt to the complainant Kandhasamy and his family, but it is only self defence. In such circumstances, the sections 323 and 326 is not attracted as far as the allegations committed towards Kandhasamy and Kavitha are concerned.

9. As far as the injury caused to Raviekumar is concerned the doctor's statement states that he had treated him for three days as inpatient and had issued a certificate as "grievous injury". On perusing the charge sheet, it states that the Raviekumar was injured in nose due to punch on the nose. Further the charge sheet states that Kandhasamy was injured on hands and forehead due to aruval, but the injury for Kandhasamy is only simple injury as per doctor's statement, which is discussed as supra. Therefore, the injury to Raviekumar is only due to hands and not



due to wooden logs or aruval. As held supra, the petitioner would have defended himself and there is no evidence for voluntarily causing hurt to Raviakumar, but it is only self defence. In such circumstances, the sections 323 and 326 is not attracted as far as the allegations committed towards Raviakumar is concerned.

10. The next contention is that the section 506(ii) of I.P.C. is not attracted.

The said section is extracted hereunder:

"506. Punishment for criminal intimidation. —Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

If threat be to cause death or grievous hurt, etc. —and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or I[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both."

This Court has already held that there is no grievous hurt in the present case, therefore the section 506(ii) is not attracted.



11. The next contention is that the section 4 of Tamil Nadu Prevention of Harassment of Women Act, 2002 is not attracted. On perusing the charge sheet, it states that the Kavitha was kicked by the accused Nallasivam. As held supra the petitioner was acting as self defence since on the side of the complainant there are three persons using force. Therefore, the allegations that the petitioner kicked the Kavitha is not acceptable, further there is no material evidence to prove the same.

12. Therefore, all the allegations under sections 294(b), 323, 326, 506(ii) of 1.P.C. read with section 4 of Tamil Nadu Prevention of Harassment of Women Act, 2002 are not attracted and the charge sheet is liable to be quashed as far as Nallasivam is concerned.

13. In Crl.O.P.(MD)No.9169 of 2023, the 1st and 2nd accused Kandhasamy and Raviekumar had filed the petition to quash the charge sheet in C.C.No.176 of 2022 and in Crl.O.P.(MD)No. 9182 of 2023 the 3rd and 4th accused Kavitha and Rasammal had filed to quash the charge sheet in C.C.No.176 of 2022 for the alleged offences under sections 341, 324 and 506(1) of IPC.

"Section 341. Punishment for wrongful restraint. —Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both."



The word wrongful confinement is defined under section 340 wherein it is stated that if any person prevents from proceedings beyond certain circumscribing limits, then it amounts to wrongful restraint. To establish the offence of wrongful restraint the complainant must prove all the following essential:

1. That there was an obstruction
2. That the obstruction prevented the complainant from proceeding in any direction
3. That the complainant so proceeding must have a right to proceed in the direction concerned.

The purpose of the section is to ensure that the freedom of a person is protected. When a person has a right to proceed in a particular direction then the law must ensure that such right is available to the person. Even if there is a slight unlawful obstruction, it is deemed to be wrongful restraint. It is neither necessary that the obstruction caused must be physical nor is the presence of the accused essential for the restraint to be wrongful under this section. The presence of assault is not required for the act to amount as wrongful restraint. Even use of mere words to cause obstruction to the path of a person may constitute as an offence under this section.

14. In the present case, there is a dispute over the land especially pathway and the petitioner was trying to erect electric poll in the disputed pathway, which is being



questioned and prevented by the accused. When there is a dispute regarding the property and pathway and both claim right over the same, then the same may not constitute obstruction but may amount to objection alone. Further to attract the provision under section 341, there must be obstruction to move from all sides. In the present case there was objection to move towards one side only, that too where there is property dispute between the parties. In such circumstances, the ingredient having a right to proceed in the direction is not there, hence the said section 341 is not applicable.

15. The next contention of the petitioner is that the said section 324 is not applicable. The said section is extracted hereunder:

"324. Voluntarily causing hurt by dangerous weapons or means. —Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

The ingredients of the section is that a person is causing voluntarily hurt by:

- Any instrument for shooting, stabbing or cutting; or



- Any instrument used as a weapon of offence that is likely to cause death; or
- Fire or any heated substance; or
- Any type of poison; or
- Any corrosive substance; or
- Any explosive substance; or
- Any substance that is deleterious to the human body for inhaling, swallowing or receiving into blood; or
- Any animal

In the present case the accused had used iron pipe rod and wooden log, both are not coming under the instruments stated in the section. At this juncture, the learned Counsel appearing for the complainant produced a picture and submitted that the complainant had grievous hurt wherein the doctor had stitched the wound on head. But the doctor in the emergency ward in the hospital had given statement stating that the injury is not grievous. On perusing rival submissions this Court is of the considered opinion that the said section 324 is not applicable since the accused had used iron rod and wooden log to hit the complainant which is not the instruments stated in the section, further the doctor had given statement that the hurt is not grievous hurt. In such circumstances, the said section 324 is not applicable.



16. The next contention is that the section 506(1) is not applicable. The said section would be applicable when a person threatens another with any injury to his person, reputation, property with intent to cause alarm to that person. In the present case the accused have uttered certain words indicate that there was longstanding problem between the parties. And the same cannot be considered as criminal intimidation attracting the provisions of section 506(1).

17. The learned Government Advocate (Crl. side) submitted that the accused are facing offences under sections 324 and 326 and the said sections are serious in nature, hence the FIR / charge sheet cannot be quashed. This Court is of the considered opinion that even if there are offences under sections 324 and 326, it is settled proposition the same may be quashed, if the parties are inclined to compromise. In the present case, it is case and case-in-counter. Both the parties agreed for quashing charge sheets on either side. The accused Nallasivam submitted if the charge sheet against him is quashed, he had no objection in quashing the charge sheet against Kandhasamy and others. Likewise, the accused Kandhasamy and others submitted if the charge sheet against them is quashed, they had not objection in quashing the charge sheet against Nallasivam. Considering the same,



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this Court is inclined to quash both the charge sheets against Nallasivam and Kandhasamy and others and accordingly quashed.

18. Accordingly, the charge sheets in C.C.Nos.177 and 176 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aravakurichi, Karur, are hereby quashed and the Criminal Original Petitions Crl.O.P.(MD)No.21545 of 2025, Crl.O.P.(MD)No.9169 of 2023 and Crl.O.P.(MD)No.9182 of 2023 are allowed. Consequently, connected miscellaneous petitions are closed.

16.04.2026

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

Tmg

To

1. District Munsif cum Judicial Magistrate,
Aravakurichi, Karur.

2.The Inspector of Police,
Chinnadharapuram Police Station,
Karur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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S.SRIMATHY, J.

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**Crl.O.P.(MD) Nos.21545 of 2025,
9169 and 9182 of 2023**

16.04.2026