



Crl.OP(MD)No.21410 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.21410 of 2025

and

Crl.M.P.(MD)Nos.18414 and 18416 of 2025

1. Abraham @ Abiraham
2. Shervin Santha Sudhan @ Serin Satha Sudan
3. William Rajan @ Villiyam Rajan
4. Goodwin Solomon Raj
5. Abeth Manohar
6. Dheelipraj ... Petitioners / Accused

Vs.

1. State of Tamilnadu,
Rep by Inspector of Police,
Vilakkuthoon Police Station,
(Law and Order),
Madurai City.
2. Rajaselvam ... Respondent /Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the above C.C.No. 666 of 2025 on the file of the learned Judicial Magistrate(Additional Mahila) Madurai and quash the same.



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For Petitioner : Mr.T.Leninkumar

For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)

ORDER

Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records relating to the charge sheet in C.C.No.666 of 2025 on the file of the learned Judicial Magistrate (Additional Mahila), Madurai, and quash the same.

Preface:

2. The present petition under Section 528 BNSS is a request to interdict criminal prosecution at the threshold by invoking the inherent jurisdiction of this Court. Such power is extraordinary, and is to be exercised sparingly, to prevent abuse of process of law or to secure the ends of justice.

3. The petitioners/A1 to A6 seek quashment of the final report and consequential proceedings pending before the learned Judicial Magistrate (Additional Mahila), Madurai, arising out of a dispute



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stated to have occurred inside the CSI Church premises, allegedly culminating in a “case and counter case”.

Case of the Prosecution:

4. The case of the prosecution, as projected in the complaint of the second respondent/*de facto* complainant and the consequent investigation, is that the *de facto* complainant is a member of CSI Church at Keelavasal, Madurai. It is alleged that on 03.11.2024 at about 10.00 a.m., when one Raja Stalin announced the income of the Church during a meeting, certain members questioned the expenses and raised their voice, in that course, the petitioners are alleged to have abused, threatened, and assaulted the *de facto* complainant. Based on the complaint, an FIR came to be registered in Crime No.666 of 2025 for offences under Sections 191(2), 296(b), 115(2), 351(2) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

5. After investigation, the respondent police laid a final report and the learned Magistrate took cognizance and the case is stated to be pending as C.C.No.666 of 2025 on the file of the learned Judicial



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Magistrate (Additional Mahila), Madurai. The prosecution would contend that there was a real occurrence and that both sides abused and attacked each other, that injuries are reflected in the final report, and that the existence of a counter version does not *ipso facto* render the present final report illegal.

Grounds urged for quash:

6. The petitioners contend, *inter alia*, as follows:

The very registration of the case and filing of the charge sheet is opposed to law and probabilities. There is a case and counter case arising from the same occurrence, yet the police have filed final reports in both. According to the petitioners, the Investigating Officer is duty bound to follow the Police Standing Orders (PSO), particularly the guideline relating to “case and case in counter”, and to arrive at a definitive conclusion as to which version is true, and not to proceed mechanically with final reports in both. The incident is stated to have occurred inside a Church hall where CCTV is allegedly available, the police did not seize/verify the CCTV footage and therefore the investigation is unfair and incomplete. There is no specific overt act attributed to each petitioner; allegations are omnibus and vague.



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Submissions:

7. The learned counsel for the petitioners submitted that the issue is “covered” by decisions of this Court dealing with case and counter case, including a Full Bench pronouncement in **T. Balaji v. State¹**, relied upon by this Court in several similar matters. According to the petitioners, where rival versions of the same incident are inconsistent, the Investigating Officer must choose the course mandated in the PSO, and cannot file final reports in both cases. It was further submitted that, in the present matter, the petitioners’ complaint is the earlier one and the other is a counterblast; in such circumstances also, the Investigating Officer ought to have filed a final report only in the case found true, and referred the other appropriately.

8. The learned Government Advocate (Crl. side) submitted that the occurrence is real. Both parties belong to the CSI Church and there were disputes regarding administration/expenses. It is submitted that the charge sheet discloses injuries, and that both sides allegedly committed acts attracting different offences. Hence, final reports in both cases were filed after investigation. The learned

¹ 2024-2-L.W.(Crl) 175



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Government Advocate (Crl. side) would therefore submit that at this stage the petitioners cannot invite this Court to conduct a mini trial and that the petition deserves dismissal.

9. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

10. The point that arises for consideration is whether the impugned final report and the consequential proceedings are liable to be quashed, on the ground that the matter is a “case and counter case” relating to the same occurrence and the Investigating Officer has filed final reports in both, allegedly contrary to the governing Police Standing Order and the principles laid down by this Court?

Analysis:

11. It is not in serious dispute before this Court that there exists a case and counter case between the rival factions arising out of the same meeting/occurrence inside the CSI Church premises.



The contest is only on the legal permissibility of filing final reports in both cases and the manner of investigation required in such a scenario.

12. The doctrine governing “case and counter case” is not a mere procedural nicety. It is rooted in fairness in investigation and the need to present a coherent prosecution narrative before the criminal Court. The Police Standing Orders dealing with “case and case in counter” broadly contemplate that the Investigating Officer must conduct a comprehensive investigation into both versions, collect the best available evidence, and then take a reasoned decision as to which case is to be proceeded with as true, and what is to be done with the rival version. Such an approach is intended to prevent mechanical prosecutions, to avoid inconsistent stands by the State, and to reduce the risk of misuse of criminal law in factional disputes.

13. The petitioners have specifically contended that the occurrence was inside a hall and CCTV footage was available, yet the investigation proceeded without collecting and appreciating such material. This Court is conscious that at the quash stage it cannot



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adjudicate on the correctness of each factual assertion. However, in a “case and case in counter” arising out of a single occurrence in a confined premises, electronic evidence such as CCTV, if available, becomes a natural and important piece of evidence. Non-collection of such material, coupled with filing of final reports in both versions without demonstrating a definitive conclusion as to the true narrative, casts a serious shadow on the fairness and completeness of the investigation.

14. This Court is also mindful of the prosecution submission that “both attacked each other” and “different offences” are made out. Even if the offences differ, when both prosecutions arise from the same occurrence and are set up as rival versions, the investigation must still display adherence to the disciplined approach mandated for case and case in counter. The criminal Court should not be placed in a situation where the State simultaneously projects mutually inconsistent versions without first applying its investigative mind to arrive at a reasoned conclusion supported by collected material.



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15. The inherent power under Section 528 BNSS can be exercised where continuation of the proceedings would amount to abuse of process. In the facts of this case, the manner in which the investigation is alleged to have been conducted, particularly the grievance that the case and counter case were both proceeded to final reports without demonstrable compliance with the governing procedure, and without securing crucial electronic evidence persuades this Court to hold that the impugned final report, as it stands, cannot be permitted to proceed.

16. This Court makes it clear that it is not pronouncing upon the innocence or guilt of any party, nor is it entering into disputed questions of fact. The interference is confined to ensuring that the investigation and the course adopted in a case and counter situation conforms to the settled procedural discipline, so that the criminal process is not reduced to an instrument of factional retaliation.

17. Disputes within community institutions, including religious/charitable bodies, often assume a criminal colour when factions harden and resort to complaint-counter complaint. Criminal



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law cannot be allowed to become a convenient tool for settling internal rivalries by multiplying prosecutions. The duty of the investigating agency, particularly in a case and counter case, is to investigate with fairness, collect the best evidence, and present a legally coherent course to the criminal Court. The sanctity of criminal process depends as much on the final outcome as on the integrity of the path taken to reach it.

18. In the result, this Criminal Original Petition is allowed.

19. The proceedings in C.C.No.666 of 2025, on the file of the learned Judicial Magistrate (Additional Mahila), Madurai, arising out of Crime No.666 of 2025, are quashed. Liberty is reserved to the respondent police to proceed afresh in accordance with law in the “case and counter case” framework, by conducting a fair and comprehensive investigation, including collection and appreciation of all relevant materials (including CCTV/electronic evidence, if available), and thereafter to take a reasoned decision consistent with the procedure governing case and counter, and to file an appropriate



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final report(s) as contemplated by law. Consequently, connected miscellaneous petitions are closed.

02.01.2026

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

To

- 1.The Judicial Magistrate
(Additional Mahila) Madurai
2. The Inspector of Police,
Vilakkuthoon Police Station,
(Law and Order),
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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