



Crl.OP(MD)No.21707 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.21707 of 2025

and

Crl.M.P.(MD) No.18648 of 2025

1. Jeyachitra
2. Meena
3. Kanagamparam
4. Sundari
5. Venkateswari
6. Susila
7. Kala

... Petitioners / Accused Nos.1 to 7

Vs.

1. The State of Tamil Nadu,
rep. by the Inspector of Police,
Tirumangalam Town Police Station,
Madurai District.

... 1st Respondent / Complainant

2. Petchiyammal

... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to S.T.C.No.1591 of 2024 on the file of the learned Judicial Magistrate, Tirumangalam, Madurai, and to quash the same.



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For Petitioners : Mr.C.Jeganathan
For R-1 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side)
For R-2 : Mr.N.Kamesh
for Mr.B.Ashok

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.1591 of 2024 pending on the file of the learned Judicial Magistrate, Tirumangalam, Madurai.

2. The petitioners are arrayed as Accused Nos.1 to 7 in the above said summary trial case. The prosecution case, as could be seen from the First Information Report, the final report and the statements recorded during the course of investigation, is that on 03.08.2024 at about 09.15 p.m., the petitioners, acting in furtherance of their common object, went to the house of the second respondent / *defacto* complainant, trespassed into the premises, attacked her by throwing chilli powder, assaulted her with hands and with a plastic chair and also threatened her with dire consequences. On the basis of the complaint lodged by the second



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respondent, a case in Crime No.311 of 2024 came to be registered on the file of the first respondent police for the offences under Sections 191(2), 296(b), 115(2), 126(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023. After completion of investigation, a final report was laid before the jurisdictional Magistrate and the same was taken on file in S.T.C.No.1591 of 2024.

3. The learned counsel appearing for the petitioners would submit that the entire criminal prosecution is a false and motivated one. According to him, the present complaint is nothing but a counterblast to the complaint given by the daughter of the first petitioner, namely Sofiya, against the husband of the second respondent before the M.M. Colony Police Station, Chennai, on the very same date. It is his further submission that no occurrence, as alleged by the prosecution, had in fact taken place and that the petitioners have been roped in on account of previous matrimonial discord between the families. The learned counsel would also contend that there was a delay of two days in lodging the complaint and the said delay has not been properly explained. He would therefore submit that the final report is liable to be quashed.



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4. The learned counsel for the petitioners further contended that the allegations are vague, omnibus and bereft of specific overt acts. He would argue that the ingredients of the offences alleged are not made out and that the continuation of the criminal proceedings would amount to abuse of process of Court. On the above grounds, he sought for quashment of the proceedings.

5. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent police as well as the learned counsel appearing for the second respondent would submit that the complaint contains clear allegations against the petitioners and that the investigation has also yielded statements of witnesses supporting the prosecution version. They would further submit that the truth or otherwise of the defence projected by the petitioners cannot be looked into in a petition for quashment. According to them, the final report discloses *prima facie* materials and the petitioners have to necessarily establish their defence only during trial. Hence, they prayed for dismissal of the petition.



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6. This Court has carefully considered the rival submissions made on either side and perused the materials available on record.

7. The law relating to the exercise of inherent jurisdiction for quashing criminal proceedings is too well settled to require any elaborate restatement. At the stage of considering a petition for quashment, this Court is not expected to embark upon a meticulous appreciation of evidence, nor can it conduct a roving enquiry into disputed questions of fact. So long as the allegations in the complaint and the materials collected during investigation disclose the commission of a cognizable offence and furnish a *prima facie* basis for proceeding against the accused, the criminal prosecution ought not to be interdicted at the threshold.

8. In the case on hand, the prosecution version is not founded upon vague suspicion alone. The *defacto* complainant has specifically alleged that the petitioners came to her residence, entered the house, assaulted her by throwing chilli powder and attacking her with hands and a plastic chair, and threatened her with dire consequences. The witness statements collected during



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investigation, as enclosed along with the final report, also *prima facie* support the occurrence. Therefore, at this stage, it cannot be held that the allegations are so absurd or inherently improbable as to warrant quashment.

9. The principal defence of the petitioners is that the present complaint is a counterblast to the complaint lodged by Sofiya against the husband of the second respondent. This contention, though urged with some force, cannot be gone into in a petition under Section 528 of BNSS. Whether the present case is a genuine one or a retaliatory complaint is essentially a matter for appreciation on evidence. Such a defence may be available to the petitioners before the learned Trial Court, but the same cannot be conclusively adjudicated in proceedings of this nature.

10. The contention regarding delay in lodging the complaint also does not, by itself, persuade this Court to quash the proceedings. A delay of two days in the context of disputes arising between closely related families cannot be said to be so fatal as to demolish the prosecution case at the threshold. Whether the delay



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has been satisfactorily explained and whether it affects the credibility of the prosecution are all matters to be tested during trial.

11. Equally, the submission that the petitioners did not at all visit the house of the second respondent on the date of occurrence is a factual defence. Such a plea cannot be accepted merely on the basis of the averments made in the quash petition. This Court, in exercise of its inherent jurisdiction, cannot convert itself into a trial forum and record findings on disputed factual aspects.

12. On a careful reading of the final report and the statements appended thereto, this Court is satisfied that there are *prima facie* materials requiring adjudication before the competent criminal Court. The submissions made by the learned counsel for the petitioners relate substantially to matters of defence and factual contradiction. Those grounds do not fall within the limited parameters warranting quashment of criminal proceedings.

13. Therefore, this Court is of the considered view that the petitioners have not made out any case for quashing the proceedings



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in S.T.C.No.1591 of 2024. The learned Judicial Magistrate, Tirumangalam, Madurai, shall proceed with the trial uninfluenced by any of the observations made in this order and decide the case on its own merits and in accordance with law.

14. At the same time, considering the nature of the dispute, the relationship between the parties, and the fact that the petitioners are women, this Court is inclined to dispense with their personal appearance before the Trial Court, subject to appropriate safeguards. In this regard, this Court places reliance upon the principle laid down by the Hon'ble Supreme Court in **State of U.P. Vs. Shambhunath Singh**¹, wherein it has been held that while the Court may show indulgence by dispensing with the personal appearance of the accused in appropriate cases, such dispensation cannot be permitted to impede the progress of trial, and the learned Trial Court must be at liberty to secure the presence of the accused whenever their appearance becomes necessary.

¹ 2001 (4) SCC 667



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15. Accordingly, the personal appearance of the petitioners before the learned Judicial Magistrate, Tirumangalam, Madurai, is dispensed with, on the following conditions:

(i) the petitioners shall be represented by counsel on all hearing dates;

(ii) the petitioners shall appear before the learned Trial Court at the time of furnishing copies, initial questioning, framing of particulars of offence, examination under Section 351 of BNSS, and at the time of pronouncement of judgment;

(iii) the petitioners shall also appear before the learned Trial Court as and when their presence is specifically required by the learned Magistrate for the purpose of identification, compromise, or for any other effective progress of the case;

(iv) if the petitioners adopt any dilatory tactics or fail to cooperate with the conduct of trial, it is open to the learned Trial Judge to insist upon their personal appearance and proceed in accordance with law.



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16. With the above observations, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

17. It is made clear that the observations contained in this order are only for the purpose of deciding the present quash petition and shall not be construed as an expression on the merits of the case.

05.02.2026

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

To

- 1.The Judicial Magistrate,
Tirumangalam,
Madurai.
- 2.The Inspector of Police,
Tirumangalam Town Police Station,
Madurai 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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