



Crl.O.P.(MD)No.22010 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.01.2026**

CORAM:

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

Crl.O.P.(MD)No.22010 of 2025

and

Crl.M.P.(MD)No.18925 & 18926 of 2025

A.Chellappa

... Petitioner

Vs.

1. State of Tamilnadu,
Rep by Inspector of Police,
Appanthirupathi,
Madurai District.
(In Crime No. 207 of 2019).

2. Kadharkon

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records in connection with Charge sheet in C.C. No. 1839 of 2023 on the file of the Judicial Magistrate court No.V, Madurai pending investigation on the file of the 1st respondent police and quash the same.



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For Petitioner : Mr.A.Ali Siddiq
For Respondents : Mr.M.Sakthi Kumar (R1)
Government Advocate (Crl.Side)
Mr.A.S.Krishnan (R2)

ORDER

This criminal original petition has been filed seeking to quash the proceedings in CC No.1839 of 2023 on the file of the learned Judicial Magistrate No.V, Madurai.

2. The petitioner is the first accused in Crime No.207 of 2019 on the file of the respondent police under Sections 147, 448, 204(b) and 506(1) of IPC. The case of the prosecution is that on 30.01.2019, the petitioner and his henchman have trespassed into the property comprised in S.No.308/3 (New S.No.35/3), situated at Kadachanenthall Village, Madurai, which belongs to the wife of the de facto complainant's brother. It is further alleged that the petitioner and others caused damage to the fence and the building situated therein and criminally intimidated the occupants. In this regard, immediately the second respondent had lodged a complaint before the 1st respondent police,



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following which, a case in Crime No.207 of 2019 was registered and the same culminated in filing a final report and the same was taken cognizance in CC No.1839 of 2023 by the trial Court.

3. The learned counsel appearing for the petitioner submitted that for the alleged offence which was alleged to have happened on 30.01.2019, a final report was filed after a lapse of nearly 4½ years on 15.09.2023. On that ground itself, the impugned final report needs to be quashed and sought for the indulgence of this Court.

4. Per contra, the learned Government Advocate appearing for the respondent police submitted that the property in question was purchased by the defacto complainant's brother's wife as early as on 08.07.1991. In the meanwhile, the petitioner herein had managed to get patta illegally in his name, which was later cancelled at the instance of the property holder, by making a proper complaint before the Revenue Department. Despite cancellation of patta by the revenue authorities, the petitioner had managed to trespass into the said property and had indulged in hooliganism and hence, this criminal case came to be registered and the petitioner may be directed to face the trial.



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5. The learned counsel appearing for the second respondent submitted that the petitioner had even filed a suit for injunction OS No.219 of 2012 on the file of the learned District Munsif, Melur, which was dismissed for default on 04.01.2017. Having not taken any steps to restore the suit, after the lapse of nearly two years, despite cancellation of patta, which was obtained by him illegally, he had trespassed into the said property and hence, if this petition is allowed, that same would defeat the ends of justice and sought for dismissal of this petition.

6. Heard the learned counsel on either side and carefully perused the materials placed before this Court.

7. A careful reading of the charge sheet would reveal that the specific overt acts have been attributed to the petitioner and it prima facie discloses the commission of offences under Sections 147, 448, 427, 294(b) and 506(i) IPC. At this stage, this Court cannot embark upon appreciation of evidence or conduct a roving enquiry into the truthfulness of the allegations.

8. It is well settled that while exercising jurisdiction under Section 482 Cr.P.C., this Court would not interfere if the allegations in the final report,



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taken at face value, constitute the ingredients of the offences alleged. The power to quash criminal proceedings has to be exercised sparingly and with circumspection, and only in cases where the complaint does not disclose any offence or where the proceedings are manifestly attended with mala fides.

9. In the present case, this Court does not find any ground to hold that the continuation of the proceedings would amount to abuse of process of law. The delay in filing the final report, by itself, in the absence of demonstrable prejudice, cannot be a sole ground to quash the prosecution at the threshold. Accordingly, this Criminal Original Petition stands dismissed.

10. However, considering the age of the petitioner, the personal appearance of the petitioner before the Trial Court is ordered to be dispensed with, on conditions that the petitioner shall appear at the time of initial questioning, proceedings under Section 313 Cr.P.C., / 351 BNSS, 2023 and at the time of passing judgment and on all the hearings, specifically directed by the Trial Court.

11. The petitioner shall appear before the Court, in the event his presence is insisted by the learned Trial Judge for the purpose of identification.



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If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the law laid down by the Hon'ble Supreme Court of India, in the case of ***State of UP vs. Shambunath Singh***¹. Accordingly, Crl.M.P.(MD)No.18926 of 2025 is allowed and connected miscellaneous petition is closed.

06.01.2026

NCC : Yes / No
Index : Yes / No
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¹ 2001 (4) SCC 667



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TO:-

WEB COPY

1. The Inspector of Police,
Appanthirupathi,
Madurai District.
- 2.The Judicial Magistrate court No.V, Madurai
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.22010 of 2025

Dated
06.01.2026