



Crl.O.P.No.22588 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.22588 of 2026

and

Crl.M.P.Nos.14984 and 14985 of 2026

Manikandan

... Petitioner

VS.

1.The State,
Rep by the Inspector of Police,
R-4, Soundarapandiyanar Angadi,
Police Station, Law and Order,
T-Nagar, Chennai – 600 017.

2.M.Nataraj

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to C.C.No.460 of 2010 pending on the file of the Metropolitan Magistrate No.XVII at Saidapet, Chennai and quash the same as illegal, incompetent by allowing the present Criminal Original Petition.

For Petitioner : Mr.N.Kumanan

For R1 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.460 of 2010 pending on the file of the Metropolitan Magistrate No.XVII at Saidapet, Chennai.

2. The petitioner is arrayed as 4th accused. The case of the prosecution is that on 09.11.2009 at about 8.00 p.m., the defacto complainant was driving his car bearing Registration No.TN-01-AJ-555 along with another person. It is alleged that another vehicle bearing Registration No.TN-07-AC-2742 came from behind and collided with the complainant's vehicle. It is further alleged that certain persons restrained the complainant and assaulted him with iron pipes, wooden logs and knives, caused injuries and threatened him with dire consequences. Therefore, he lodged a complaint before the 1st respondent. The 1st respondent registered the FIR in Crime No.1617 of 2009 for the offences punishable under Sections 147, 148, 341, 324 read with Section 149 of IPC. After completion of investigation, the 1st respondent filed final report and the same has been taken cognizance by the Trial Court in C.C.No.460 of 2010.



3. The learned counsel appearing for the petitioner submits that the crime of the year 2009. After filing final report, the same has been taken cognizance by the Trial Court in the year 2012. Even till today, the Trial Court did not even frame charges as against the accused.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the 1st respondent submits that the trial has been commenced and some of the witnesses have been examined in this case.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. It is seen that on the complaint lodged by the 2nd respondent, the 1st respondent registered a case in Crime No.1617 of 2009 for the offences punishable under Sections 147, 148, 341, 324 read with Section 149 of IPC. After completion of investigation, the 1st respondent filed final report and the same has been taken cognizance in C.C.No.460 of 2010 by the Trial Court and it is pending. To quash the said criminal proceeding, the petitioner filed the present petition.



7. On perusal of the records, it is revealed that the grounds raised by the petitioner to quash the entire proceedings cannot be considered at this stage, since there are specific allegations as against the petitioner to constitute the offences punishable under Sections 147, 148, 341, 324 read with Section 149 of IPC.

8. The Hon'ble Supreme Court of India in the judgment reported in **2019 (4) SCC 351** in the case of **Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C./180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



9. Further, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019 dated 17.10.2019)*** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C./528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in **Crl.A.No.1817 of 2019** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr,*** held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the



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allegations in a manner known to law would arise only at a later stage i.e., during trial.

11. Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained.

12. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.460 of 2010 pending on the file of the Metropolitan Magistrate No.XVII at Saidapet, Chennai. Considering the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this order.



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13. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, the connected miscellaneous petitions are closed.

13.08.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dm

To

1.The Metropolitan Magistrate No.XVII,
Saidapet, Chennai

2.The Inspector of Police,
R-4, Soundarapandiyanar Angadi,
Police Station, Law and Order,
T-Nagar, Chennai – 600 017.

3.The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN, J.

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