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Crl.O.P.No.22575 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No.22575 of 2026

and

Crl.M.P.Nos.14978 and 14979 of 2026

V.Nagarajan

... Petitioner

VS.

1.The Director General of Police,
CBCID-OCU, Coimbatore,
Coimbatore District.

2.The Assistant Commissioner of Police,
Central Sub Division,
Coimbatore District.

3.The Inspector of Police,
CBCID-OCU, Coimbatore,
Crime No. 1 of 2020
Coimbatore District.

... Respondents

PRAYER:- Criminal Original Petition is filed under Section 528 of B.N.S.S/482 Cr.P.C, to call for the records relating to the criminal case in C.C.No.1040 of 2024 on the file of the learned Chief Judicial Magistrate, Coimbatore and quash the same.



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For Petitioner : Mr.Gopalakrishnan T.C

For R1 to R3 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.1040 of 2024 on the file of the Chief Judicial Magistrate, Coimbatore.

2. The petitioner is arrayed as A3. The case of the prosecution is that the petitioner and other accused persons went to Kerala in connection with the case in Crime No.583 of 2016 on the file of the Inspector of Police, Madukkarai Police Station, to secure the accused persons in Crime No.301 of 2017 on 10.04.2018. They secure one Yogesh, (now deceased), Tinson and Dhanush and brought them to Coimbatore. As directed by the 3rd accused, they were wrongfully confined till 14.04.2018 for the purpose of extracting confession statement by causing hurt to the arrested persons. Thereafter, they were also falsely implicated in Crime No.128 of 2018 for the offence punishable under Section 392 of IPC. Later, they were shown as



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accused arrested in Crime No.128 of 2018 and remanded to the judicial custody on 14.04.2018. Subsequently, one of the accused Mr.Yogesh died in the Central Prison, Coimbatore on 21.04.2018 due to coronary artery disease. On the complaint given by the Superintendent of Prison, Central Prison, Coimbatore, an FIR has been registered in Crime No.368 of 2018 for the offences punishable under Section 176 of the Criminal Procedure Code.

3. It is further alleged that the District Police Surgeon conducted postmortem on the body of the deceased Yogesh on 22.04.2018 and after postmortem, it was concluded that the deceased died due to 'Acute Myocardial Infarction Disease – Type 2 Diabetes Mellitus/Systematic Hypertension'. Therefore, the allegation of custodial torture has been ruled out. But, the brother of the deceased filed a direction petition before this Court in Crl.O.P.No.15418 of 2018 seeking transfer of investigation in Crime No.368 of 2018 from the file of the Inspector of Police, C2 Race Course Police Station to Central Bureau of Investigation (CBI). Thereafter, the FIR registered in Crime No.368 of 2018 was transferred to the file of the 3rd respondent herein and a fresh FIR was registered in Crime No.1 of 2020. After recording the statement of one P.Abdul Salam under Section 164 of the Criminal Procedure Code, the 3rd respondent filed final report and the



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same has been taken cognizance by the Trial Court in C.C.No.1040 of 2024.

After his statement, there are specific allegations as against the accused to constitute the charges for the offences punishable under Sections 167, 330 (3 counts), 342, 343 and 348 of Indian Penal Code.

4. The learned counsel appearing for the petitioner submits that the accused persons were secured from Kerala in pursuant to the registration of FIR in Crime No.128 of 2018. There was no such custodial torture by the petitioner and other accused persons. In fact, after demise of one of the accused initially the case was registered under Section 176 of the Criminal Procedure Code.

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

6. When this Court in Crl.O.P.No.15418 of 2018 directed to complete investigation in Crime No.368 of 2018 expeditiously, the entire investigation was transferred to the file of the 3rd respondent, without seeking any order from this Court. After long delay, the final report has been filed and it was mechanically taken cognizance by the Trial Court. These



grounds can be considered only during the trial before the Trial Court by let in evidence. When there specific allegations and materials are very much available as against the petitioner and other accused persons to attract the offences punishable under Sections 167, 330 (3 counts), 342, 343 and 348 of Indian Penal Code, there is absolutely no ground to quash the entire proceedings.

7. 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.



8. 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.

9. 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.

10. 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.

11. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.1040 of 2024 on the file of the Chief Judicial Magistrate, Coimbatore.

12. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

13. Further, the connected Criminal Original Petitions are pending before this Court in Crl.O.P.Nos.12213 and 13606 of 2025 which were filed by the other accused persons. Only because of pendency of these petitions, the Trial Court is not able to frame the charges, the Trial Court had taken



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cognizance as early as in the year 2024 on the final report filed by the 3rd respondent.

14. In view of the above and the dismissal order passed by this Court in Crl.O.P.No.22575 of 2026, dated 13.08.2026, the Registry is directed to list the connected quash petitions in Crl.O.P.Nos.12213 and 13606 of 2025 before this Court, after obtaining necessary permission from the Hon'ble Chief Justice.

13.08.2026

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



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To

- 1.The Chief Judicial Magistrate,
Coimbatore.
- 2.The Director General of Police,
CBCID-OCU, Coimbatore,
Coimbatore District.
- 3.The Assistant Commissioner of Police,
Central Sub Division,
Coimbatore District.
- 4.The Inspector of Police,
CBCID-OCU, Coimbatore,
Crime No. 1 of 2020
Coimbatore District.
- 5.The Public Prosecutor,
High Court, Madras.



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G.K. ILANTHIRAIYAN, J.

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