



*Crl.O.P.Nos.9476, 9478, 9517, 9523, 9525, 9526, 9528, 9518, 9519 and 9522 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.9476, 9478, 9517, 9523, 9525,  
9526, 9528, 9518, 9519 and 9522 of 2025

M.Karunanithi

... Petitioner in all Crl.O.Ps

Vs

1. The State Rep. by its,  
The Deputy Superintendent of Police,  
Commercial Crime Investigation Wing-C.I.D.,  
Villupuram, Villupuram District.
2. The Inspector of Police,  
Commercial Crime Investigation Wing,  
Villupuram (Crime No.3/2005)
3. S.Subramanian  
The Deputy Registrar of Co-operative Societies,  
Tindivanam, Villupuram District. ... Respondents in all Crl.O.Ps

**Common Prayer:** Criminal Original Petitions filed under 528 of BNSS., 2023, to call for the records and quash the C.C.No.22, 20, 21, 19, 18, 17, 13, 16, 15 and 14 of 2011 on the file of the Judicial Magistrate No.II at Tindivanam, Villupuram District.



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For Petitioner : Mr.R.Thanjan  
in all Crl.O.Ps

For Respondents : Mr.A.Gopinath,  
in all Crl.O.Ps Govt. Advocate (Crl. Side) (for R1 & R2)

### **COMMON ORDER**

These petitions have been filed to quash the proceedings in C.C.No.22, 20, 21, 19, 18, 17, 13, 16, 15, and 14 of 2011, respectively, on the file of the Judicial Magistrate No.II at Tindivanam, Villupuram District.

2. This Court already disposed the quash petitions by order dated 14.08.2023 in Crl.O.P.No.17972 of 2023, etc., batch.

3. The learned counsel for the petitioner would submit that the second quash petitions are maintainable on the change of circumstances. Since this Court already specifically directed the Trial Court to complete the trial within a stipulated time, and even then, the Trial Court failed to complete the same. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Without any base, the second respondent police registered a case in Crime No.3 of 2005 for the



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offences under Section 120(b) r/w Sections 408, 409, 467, 468, 477(a) r/w

Section 109 of IPC, as against the petitioner, and the same has been taken cognizance in C.C.No.22, 20, 21, 19, 18, 17, 13, 16, 15, and 14 of 2011, respectively, on the file of the Judicial Magistrate No.II at Tindivanam, Villupuram District. Hence, he prayed to quash the same.

4. The learned Government Advocate (Crl.Side) appearing for the first and second respondents submitted that all the witnesses have been examined and now, the matter has been posted for the Investigating Officer's evidence. Therefore, he prayed to dismiss the quash petitions.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first and second respondents and perused the materials placed on record.

6. On a perusal of the records, it reveals that there are specific allegations as against the petitioner in Crime No.3 of 2005 for the offences punishable under Sections 120(b) r/w Sections 408, 409, 467, 468, 477(a) r/w Section 109 of IPC. After completion of investigation, the second



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respondent filed final reports and the same have been taken cognizance in

WEB COPY C.C.No.22, 20, 21, 19, 18, 17, 13, 16, 15 and 14 of 2011 respectively on the

file of the Judicial Magistrate No.II at Tindivanam, Villupuram District and it is pending. To quash the said criminal proceedings, the petitioner filed these present petitions.

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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



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**WEB COPY** 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 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



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contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the 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 that the initiation of criminal proceeding itself is malicious. Whether the criminal proceeding is malicious or not, is not required to be considered at this state. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final reports/charge sheets cannot be entertained to quash the entire proceedings.

11. In view of the above, this Court finds no change in circumstances to entertain the second quash petitions to quash the entire proceedings. Therefore, this Court is not inclined to quash the proceedings in C.C.No.22, 20, 21, 19, 18, 17, 13, 16, 15, and 14 of 2011, respectively, on the file of the Judicial Magistrate No.II at Tindivanam, Villupuram District. The petitioner is at liberty to raise all the grounds before the trial Court.



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12. Accordingly, these Criminal Original Petitions stand dismissed.

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01.04.2025

Index : Yes/No  
Neutral citation : Yes/No  
Speaking/non-speaking order

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To

1. The Deputy Superintendent of Police,  
Commercial Crime Investigation Wing-C.I.D.,  
Villupuram, Villupuram District.
2. The Inspector of Police,  
Commercial Crime Investigation Wing,  
Villupuram (Crime No.3/2005)
3. The Judicial Magistrate No.II at Tindivanam,  
Villupuram District.
4. The Public Prosecutor,  
High Court, Madras.



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**G.K.ILANTHIRAIYAN. J.**

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