



Crl.O.P.No. 7924 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

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

Crl.O.P.No.7924 of 2025 and
Crl.M.P.Nos.5137 and 5139 of 2025

1.Immanuvel Leeban
2.Ebram Joseph
3.Kavitha
4.Irudhaya Jesintha
5.Andhoni @ Andhoni Raj
6.Praba

... Petitioners

Vs.

1.The Sub Inspector of Police,
AWPS-Anna Nagar Police Station,
Chennai.

2.Jebakkani Iswarya

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records in C.C.No.56 of 2024 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore and quash the same as against the petitioner.

For Petitioners : Mr.S.Siva Kumar

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side)



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For R2

: Mrs.D.Kamachi

ORDER

This petition has been filed to quash the proceedings in C.C.No.56 of 2024 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore.

2. The case of the prosecution, as per FIR, is that the first petitioner and the second respondent are husband and wife, who were married on 12.02.2023 at St. Anthonyar Church, Madurai. After the marriage, the first petitioner and the de-facto complainant stayed in Bangalore due to their professions. After spending six months in Bangalore, both the petitioner and the de-facto complainant relocated to Chennai on 04.11.2023 for their profession. In January 2024, the fifth and sixth petitioners visited the first petitioner's home in Chennai and advised the de-facto complainant to continue her profession at her husband's native place in Dindigul. Upon her refusal, on 19.01.2024, the second petitioner, who is the de-facto complainant's father-in-law, urged her to continue her profession in Dindigul. This led to a dispute between the de-facto



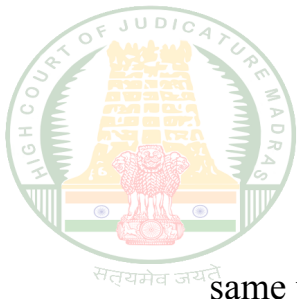
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complainant and the second petitioner. As a result, an FIR was registered in Crime No.7 of 2024 for the offences punishable under Sections 498(A), 506(i) and 34 of the IPC. After completion of the investigation, the first respondent filed the final report before the Metropolitan Magistrate, Additional Mahila Court, Egmore and the same was taken cognizance in C.C.No.56 of 2024.

3. The learned counsel for the petitioners submitted that though the petitioners and the de-facto complainant had a difference of opinion regarding her career, the petitioners did not pressure her into making any decisions. The dispute stemmed from a suggestion to move to Dindigul, which the complainant refused. There are no criminal actions involved, hence, he prays to quash the proceeding.

4. The learned Government Advocate (crl.side) submitted that the de-facto complainant alleges coercion by the petitioners, particularly the second petitioner, regarding her professional decisions. The first respondent, after completion of investigation, filed the final report before the Metropolitan Magistrate, Additional Mahila Court, Egmore and the



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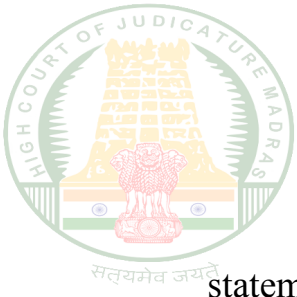
same was taken cognizance in C.C.No.56 of 2024.

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5. Heard both sides and perused the materials placed on record.

6. On perusal of the records, it is evident that there are specific allegations made as against the petitioners. The complainant has alleged emotional distress caused by pressure to alter her professional choices, which, though arising in a domestic setting, requires judicial scrutiny. As the case is at the trial stage, this Court is not inclined to interfere under Section 528 of BNSS, 2023 at this juncture. The truth or falsity of the allegations can only be determined through proper appreciation of evidence during the trial.

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. (Criminal Appeal No.579 of 2019, dated 02.04.2019)***, while dealing with a petition to quash the entire criminal proceedings, held that the High Courts have no jurisdiction to appreciate the statements of witnesses and record a finding that there were inconsistencies in their



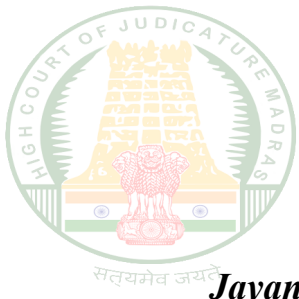
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statements, and therefore, no *prima facie* case was made out against the accused. Such an exercise can be done only by the Trial Court while deciding the case on merits or by the Appellate Court while deciding the appeal arising out of the final order. The charge sheet having been laid on the basis of inconsistent statements under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is not a ground for quashing at the pre-trial stage.

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 (Criminal Appeal No.1572 of 2019, dated 17.10.2019)***, held that the High Courts cannot record findings on disputed facts. The defence of the accused is to be tested after appreciation of evidence by the Trial Court during trial. Therefore, this Court has no power to consider 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 ***Criminal Appeal No.1817 of 2019*** in the case of ***M.***



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Jayanthi vs. K.R. Meenakshi & Anr., held that while considering a petition for quashing a complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should examine is whether the allegations in the complaint form the basis of the ingredients constituting the offences complained of. Further, the Court can also examine whether the preconditions required for taking cognizance have been complied with, and whether the allegations contained in the complaint, even if accepted in their entirety, would constitute the offence alleged. Whether the accused will be able to disprove the allegations is a matter to be determined during trial.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.56 of 2024 on the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore. The petitioners are at liberty to raise all the grounds before the Trial Court. The Trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this Order. The personal appearance of the petitioners 2 to 6 are dispensed with and they shall be represented by a counsel after filing appropriate application. However,



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the petitioners 2 to 6 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. It is made clear that the mere pendency of the trial shall not be an impediment for the parties to amicably settle their issues.

11. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

19.03.2025

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

G.K.ILANTHIRAIYAN, J.

shk

To

1. Metropolitan Magistrate, Additional Mahila Court, Egmore
2. The Sub Inspector of Police,
AWPS-Anna Nagar Police Station,
Chennai.
3. The Public Prosecutor,



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High Court, Madras.
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