



Crl.O.P.No.6030 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

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

Crl.O.P.No.6030 of 2025
and Crl.M.P.Nos.3879 and 3880 of 2025

1. Lallu Prasath
2. Vinoth
3. Rani
4. Pakkirisamy

... Petitioners

Vs

1. The Sub Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.

2. Kaliyamoorthy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Crl.P.C/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to CC.No.3 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District and quash the same.

For Petitioners : Mr.S.Arivazhagan

For R1 : M/s J.R.Archana
Government Advocate (Crl.side)



Crl.O.P.No.6030 of 2025

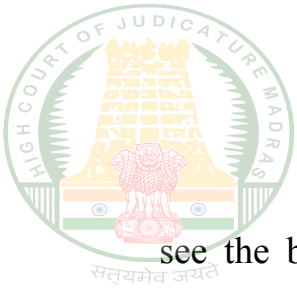
ORDER

WEB COPY

This petition has been filed to quash the proceeding in CC.No.3 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvavarur District.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the first respondent and perused the materials placed on record.

3. The case of the prosecution is that the second respondent obtained a loan for a sum of Rs.2,00,000/- through the Koradacheri Cooperative Bank with the help of the third petitioner. Few people from the village of the second respondent took some money and they were paying it back in monthly installments. Thereafter, the second respondent was unable to pay the amount due to lack of income. Later, he stopped paying the monthly instalments after an announcement that all cooperative bank loans were going to be waived off. However, his loan was not waived off. On 23.02.2024, the second respondent received a notice from the said bank stating that Rs.13,350/- was due on the agricultural loan that he took in the year 2007. The said notice was sent to everyone who took the loan with him. Therefore, the second respondent went to



see the bank Manager and he replied that the loan would be closed only if everyone in the group pays the amount. When the second respondent was returning home, the accused abused the defacto complainant in filthy language, attacked him and threatened him with dire consequences. Hence, the complaint.

4. On receipt of the complaint, the first respondent registered FIR in Crime No.100 of 2024 for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance in CC.No.3 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvarur District.

5. The learned counsel for the petitioner would submit that there is a delay in lodgment of complaint, since the occurrence had taken place on 18.03.2024. However, the complaint was lodged only on 28.03.2024. Therefore, there is no explanation on the part of the second respondent for the delay in lodgment of the complaint.

6. A perusal of the FIR revealed that though the defacto complainant did not lodge a complaint on the date of occurrence, subsequently, the second



CrI.O.P.No.6030 of 2025

respondent issued CSR and FIR has been filed. That apart, the statement recorded under Section 161 of Cr.P.C revealed that there are specific allegations as against the petitioners to attract the offences under Sections 294(b), 323, 324 and 506(2) of IPC. That apart, the grounds raised by the petitioner can be considered only during the trial before the Trial Court.

7. In this regard, it is relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in ***Crl.A.No.579 of 2019*** dated ***02.04.2019*** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr.***, as follows:-

" 12.So far as the second ground is concerned, we are of the view that the High Court while hearing the application under Section 482 of the Cr.P.C. had 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 against respondent No.2. In our view, this could be done only in the trial while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order passed by the Trial Court but not in Section 482 Cr.P.C. proceedings.



WEB COPY



Crl.O.P.No.6030 of 2025

13. In view of the foregoing discussion, we allow the appeal, set aside the impugned order and restore the aforementioned complaint case to its original file for being proceeded with on merits in accordance with law.

8. Recently, the Hon'ble Supreme Court of India dealing in respect of the very same issue in ***Crl.A.No.1572 of 2019*** dated 17.10.2019 in the case of ***Central Bureau of Investigation Vs. Arvind Khanna***, wherein, it has been held as follows:

“19. After perusing the impugned order and on hearing the submissions made by the learned senior counsels on both sides, we are of the view that the impugned order passed by the High Court is not sustainable. In a petition filed under Section 482 of Cr.P.C., the High Court has recorded findings on several disputed facts and allowed the petition. Defence of the accused is to be tested after appreciating the evidence during trial. The very fact that the High Court, in this case, went into the most minute details, on the allegations made by the appellant-C.B.I., and the defence put-forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent



WEB COPY



CrI.O.P.No.6030 of 2025

jurisdiction under Section 482 Cr.P.C.

20. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance by the Competent Court, is completely incorrect and uncalled for.”

9. Further the Hon'ble Supreme Court of India also held in the order dated **02.12.2019** in **CrI.A.No.1817 of 2019** in the case of **M.Jayanthi Vs. K.R.Meenakshi & anr**, as follows:

"9. It is too late in the day to seek reference to any authority for the proposition that while invoking the power under Section 482 Cr.P.C for quashing a complaint or a charge, 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. The Court may also be entitled to see (i) whether the preconditions requisite for taking cognizance have been complied with or not; and (ii) whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged.

.....

13. A look at the complaint filed by the



WEB COPY



CrI.O.P.No.6030 of 2025

appellant would show that the appellant had incorporated the ingredients necessary for prosecuting the respondents for the offences alleged. The question whether the appellant will be able to prove the allegations in a manner known to law would arise only at a later stage....."

The above judgments are squarely applicable to this case and as such, the points raised by the petitioner are mixed question of facts and it cannot be considered in quash petition under Section 482 Cr.P.C.

10. In view of the above, this Court is not inclined to quash the proceeding in CC.No.3 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Needamangalam, Thiruvavarur District. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

03.03.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.6030 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The District Munsif cum Judicial Magistrate,
Needamangalam, Thiruvarur District.
2. The Sub Inspector of Police,
Needamangalam Police Station,
Thiruvarur District.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6030 of 2025

03.03.2025