



Crl.O.P.No.7073 of 2024

**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.No.7073 of 2024

and

Crl. M.P. Nos. 5153 and 5155 of 2024

1.Raj Mohan (Dismissed)

2. Rajesh

3.Sakarai

4.Kaliyammal

...Petitioners

-Vs-

1.State Rep., by,  
The Inspector of Police,  
All Women Police Station,  
Ulundurpet, Kallakurichi.

Crime No. 2 of 2023

2.Vijayalakshmi

... Respondents

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings in PRC.NO.10/2024 pursuant to the final report/charge sheet No. FR.14/2023 dated 01.11.2023 on the file of the Judicial Magistrate-II, Ulundurpet.



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For Petitioners:

Mr. N.A. Nissar Ahmed,  
Senior Counsel  
for M/s. I. Kowser Nissar

For Respondents:

Mr. R. VinothRaja for R1  
Government Advocate(Crl. Side)  
Mr. M. Muruganantham for R2

## **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.10 of 2024 on the file of the Judicial Magistrate-II, Ulundurpet.

2. The case of the prosecution is that the second respondent got married with one Ayyanar in the year 2014. Due to misunderstanding between them, she got separated from her husband and while working in the Baniyan Company at Tirupur, in the year 2018, the first accused fell in love with her and set up a separate house for her. He also assured that he will marry her and on the pretext of marriage, on 25.01.2018, on compulsion, he had sexual intercourse with the second respondent. It was also continued and whenever the second respondent insisted for their marriage, the first accused had given one or other reasons and prolonged



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their date of marriage. Thereafter, he brought her to Chennai and lived there for some period. However, leaving the second respondent in lurch, he got married with another girl on 09.09.2022. When it was questioned by the second respondent, all the family members of the first accused scolded her in filthy language and also attacked her. They also threatened her with dire consequences. Thereafter, all the family members morphed her photos in social media as if she is doing prostitution.

3. Learned Senior Counsel for the petitioners submitted that the petitioners are A1 to A4. The quash petition already dismissed as against the first accused. Insofar as A2 to A4 are concerned, all are family members of the first accused. Even according to the case of the prosecution, there is no specific overt act as against them. The entire allegations are vague and no specific allegations as against them.

4. On perusal of the record and also on the submissions made by the learned counsel for the second respondent revealed that though the petitioners 2 to 4 are the relatives of the first accused, they forged morphed photographs in the social media and completely damaged the



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name of the second respondent. They titled her as prostitute and morphed her photographs along with other person and posted the same in the social media. Infact, the second respondent lodged another complaint on 06.07.2023 with this allegations. Therefore, this Court is not inclined to quash the entire proceedings.

5. 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.



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6. 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.

7. 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



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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.

8. 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 stage. 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 to quash the entire proceedings.

9. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.10 of 2024 on the file of the Judicial Magistrate-II, Ulundurpet. 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 six months from the date of receipt of copy of this Order.



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**WEB COPY** 10. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

**01.04.2025**

Index : Yes/No

Neutral Citation : Yes/No

AT

To

1.The Judicial Magistrate-II, Ulundurpet.

2.The Inspector of Police,  
All Women Police Station,  
Ulundurpet, Kallakurichi.

3. The Public Prosecutor,  
High Court of Madras.



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

AT

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