



Crl. O.P. No. 12125 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 12125 of 2025

and

Crl. M.P. Nos. 8082 and 8083 of 2025

- 1.Gopinadhan
- 2.Sukumaran
- 3.Chandrasekhar

... Petitioners

Vs

- 1.State represented by
The Inspector of Police,
T15 SRMC Police Station,
Iyyappanthangal,
Chennai – 600 056.

- 2.Kamal Anand

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the final report filed in Crime No.877 of 2023 on the file of the first respondent which was taken on file in S.C.No.227 of 2024 pending on the file of the learned Principal District and Sessions Judge, Thiruvallur and quash the same.

For Petitioners : Mr. R.C. Paul Kanagaraj

For Respondents : Mr. A. Gopinath,
Government Advocate (Crl. Side) for R1



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ORDER

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This Criminal original Petition has been filed to quash the proceedings in S.C. No. 227 of 2024 pending on the file of the learned Principal District and Sessions Judge, Thiruvallur.

2. The case of the prosecution is that, on 19.10.2022 the petitioners trespassed into the premises of the second respondent in order to vacate him forcibly. They attacked him with plastic pipe and also damaged the household articles such as, phone, laptop, television etc.

3. Learned counsel for the petitioner would submit that though the FIR has been registered only for the offences punishable under Sections 447, 324, 341, 294(b) and 427 of IPC, without any material, the first respondent filed final report for the offences punishable under Sections 324, 341, 294(b), 447, 323 of IPC and Section 3(2)(va) of SC ST Act and Section 448, 506(2) and 34 of IPC. Infact, the third petitioner belongs to SC Community, even then without even verifying the community of the third petitioner, the first respondent filed a final report. He further submitted that there was delay in lodging of complaint.



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4. Perusal of the record reveals that the occurrence had taken place on

19.10.2022, on the same day, the second respondent lodged complaint before the first respondent and the second respondent was issued C.S.R.No.1429 of 2022. Thereafter, the FIR has been registered on 31.12.2022 that too after the direction issued by the learned Judicial Magistrate No.I, Poonamallee in C.M.P. No. 6845 of 2023 dated 03.10.2023. Therefore, there was absolutely no delay in lodging the complaint on the part of the second respondent.

5. Further, on perusal of records, it is revealed that there was specific overt act as against the petitioners in order to attract all the offences as per the charge sheet. If at all, the third petitioner belongs to SC community, he has to disprove the case of the prosecution only before the trial Court during the trial.

6. In view of the above, this Court finds no grounds to quash the 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



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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.

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.



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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 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 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 to quash the entire proceedings.



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11. In view of the above discussion, this Court is not inclined to quash the proceedings in S.C. No. 227 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur. 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.

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

23.04.2025

Index:Yes/No
Neutral Citation:Yes/No
AT

To

1.The Principal District and Sessions Judge, Thiruvallur.

2.The Inspector of Police,
T15 SRMC Police Station,
Iyyappanthangal,
Chennai – 600 056.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

AT

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