



Crl.O.P.No.9665 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.9665 of 2025

1. Vijayaramachandiran
2. Nalini
3. Sheshathiri

.... Petitioners

Vs

1. The Inspector of Police,
All Women Police Station,
Panruti,
Cuddalore District.
Crime No.7 of 2017.

2. Rajeswari

.... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in S.C.NO.130 of 2018 on the file of the District Mahila Court, Cuddalore District, Cuddalore and quash the same.

For Petitioners : Mr.M.Velmurugan

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

ORDER



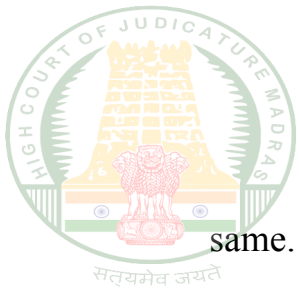
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This Criminal Original Petition has been filed to quash the proceedings in S.C.No.130 of 2018 on the file of the District Mahila Court, Cuddalore District, Cuddalore.

2. The case of the prosecution is that the first petitioner and the defacto complainant had a love affair; that on the false promise of marriage, the first petitioner had sexual intercourse with the defacto complainant and subsequently she had had multiple abortions. Thereafter the petitioner refused to marry her; that the petitioners 2 and 3 who are the mother and brother of the first petitioner had prevented the marriage of the defacto complainant. Hence, the case.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No. 7 of 2017 for the offence under Sections 417, 376, 313, 506(i), 294(b) IPC r/w Section 4 of Dowry Prohibition Act as against the petitioners and the same has been taken cognizance in S.C.No.130 of 2018 on the file of the District Mahila Judge, Cuddalore District, Cuddalore. Hence he prayed to quash the



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same.

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4. The learned Government Advocate (Crl. Side) would submit that the trial has been commenced and the witnesses have been examined in this case.

5. Heard the learned Counsel appearing on either side and perused the materials placed on record.

6. A perusal of the statements of witnesses reveals that there is specific allegations as against the petitioners. Though the petitioners and the second respondent entered into compromise, the petitioners have committed the serious offence as against the second respondent for the offence under Sections 417, 376, 313, 506(i), 294(b) IPC r/w Section 4 of Dowry Prohibition Act.

7. It is seen that on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.7 of 2017 for the offence under Sections 417, 376, 313, 506(i), 294(b) IPC r/w Section 4 of Dowry Prohibition Act. After completion of investigation,



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the first respondent filed final report and the same has been taken cognizance in S.C.No.130 of 2018 by the Trial Court and it is pending. To quash the said criminal proceeding, the petitioners filed the present petition.

8. 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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. Further, the Hon'ble Supreme Court of India in the judgment

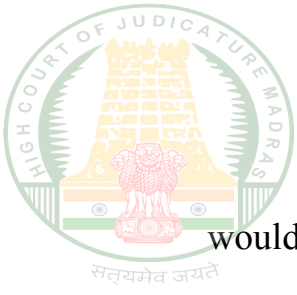


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reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019*** dated

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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. 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 consititue 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 consititue the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law



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would arise only at a later stage i.e., during trial.

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11. Further this Court cannot observe at this stage that 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 petitioners to quash the charge sheet cannot be entertained to quash the entire proceedings.

12. In view of the above discussion, this Court is not inclined to quash the proceedings in S.C.No.130 of 2018 on the file of the District Mahila Judge, Cuddalore District, Cuddalore. The petitioners are at liberty to raise all the grounds before the trial Court.

13. Accordingly, the Criminal Original Petition stands dismissed.

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drl

Index: Yes/No

Internet: Yes/No

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1. The District Mahila Judge,
Cuddalore District, Cuddalore.

2. The Inspector of Police,
All Women Police Station,
Panruti,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN,J.

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