



Crl.O.P.No.8599 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM:

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

Crl.O.P.No. 8599 of 2025

and

Crl.M.P.Nos.5613 & 5614 of 2025

1.Thangamani
2.Stalin
3.Amaravathi
4.Sankari

..... Petitioners

Vs

1.The State by
The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
Crime No.821 of 2021

2.Anjappan

..... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.214 of 2024, pending on the file of the Judicial Magistrate No.I, Jayankondam, Ariyalur District and quash the same.

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

ORDER



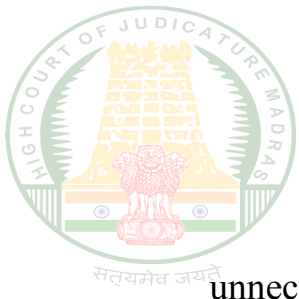
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This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.214 of 2024, pending on the file of the Judicial Magistrate No.I, Jayankondam, Ariyalur District, thereby taken cognizance for the offences under Sections 294(b) and 324 of IPC.

2. The case of the prosecution is that on 26.09.2021 at about 7.30 a.m., a Neem tree located near the compound wall of the defacto complainant's house was allegedly broken by the first accused. On seeing that the son of the defacto complainant informed his father, at that time, the first accused is said to have abused the defacto complainant and assaulted his son with a wooden log. It is further alleged that the wife and daughter of the petitioner also assaulted the defacto complainant. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the injuries sustained by the victim are simple in nature and no serious harm, has been caused as confirmed by the medical report. He further submitted that all the family members of the petitioner have been



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unnecessarily implicated in this case. Further, a counter complaint has already been lodged by the petitioner against the second respondent and the same was registered in Crime No.820 of 2021. However, no charge sheet has been filed so far.

4. On instructions, the learned Government Advocate (CrI.Side) appearing for the first respondent submitted that based on the counter complaint lodged by the petitioner, the first respondent completed the investigation and filed the final report before the Judicial Magistrate No.I, Jayankondam. The same has been taken cognizance in C.C.No.209 of 2024, which is now pending trial.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the first respondent. Perused the materials available on record.

6. It is seen that based on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.821

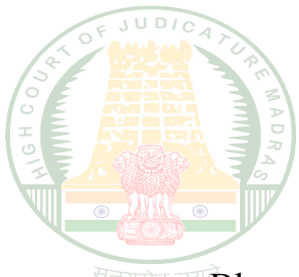


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of 2021 for the offences under Sections 294(b), 323, 324 of IPC. In respect of the very same occurrence, the petitioner also lodged a complaint, which was registered in Crime No.820 of 2021. The first respondent conducted an investigation in the said case and filed a final report, which has been taken cognizance in C.C.No.209 of 2024 by the Judicial Magistrate No.I, Jayankondam. To quash the said criminal proceeding, the petitioner filed the present petition.

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 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



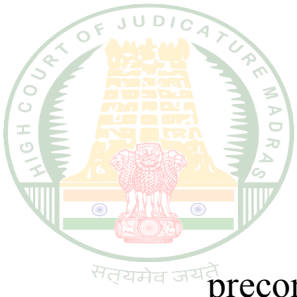
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8. Fruther, the Hon'ble Supreme Court of India in the judgment reported in **2019 (10) SCC 686** in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019*** dated 17.10.2019) held that the High Courts cannot record 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 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 ***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



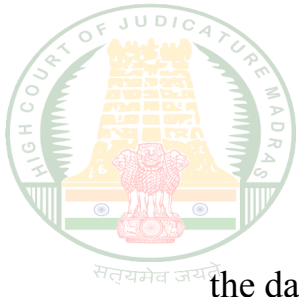
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preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the 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.

11. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.214 of 2024 on the file of the Judicial Magistrate No.I, Jayankondam. However, the petitioner is at liberty to raise all the grounds before the trial Court. The trial Court is directed to conduct a simultaneous trial in respect of both C.C.Nos.209 & 214 of 2024 and complete the same within a period of six months from



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the date of receipt of a copy of this order.

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

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The Judicial Magistrate No.I,
Jayankondam, Ariyalur District.

2.The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court, Madras.

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