



Crl.O.P.No.8730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM:

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

Crl.O.P.No. 8730 of 2025

and

Crl.M.P Nos.5725 & 5726 of 2025

Thaniga

.... Petitioner

.Vs.

The State Rep.by
The Inspector of Police,
G-5, Chunambedu Police Station,
Cheyyur Taluk, Chunnambedu
Chengalpattu District-603 104

2.P.Santha Jayalakshmi

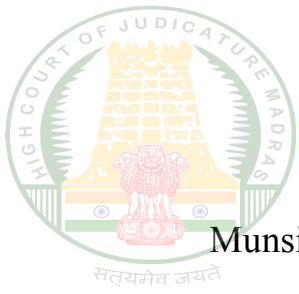
.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the case in P.R.C No.20 of 2024 pending on the file of District Munsif cum Judicial Magistrate at Cheyyur and quash the same.

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

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.20 of 2024 on the file of the District



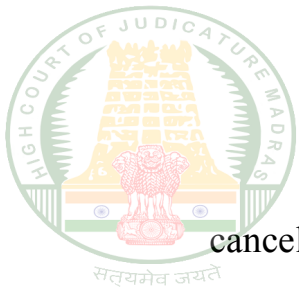
Crl.O.P.No.8730 of 2025

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Munsif cum Judicial Magistrate, Cheyyur, thereby taken cognizance for the offences punishable under Sections 147, 294(b), 353, 448, 506(i) r/w 34 of IPC and Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act, 1984.

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

3. The case of the prosecution is that based on the complaint given by one Santhanalakshmi, who is the Executive Officer of Idaikazhinadu Town Panchayat, Cheyyur Taluk, Chengalpattu District, an FIR has been registered in Crime No.81 of 2020 . It is alleged that on 18.03.2020, the office of the second respondent had conducted a public tender for leasing out commercial shops and a community hall. However, due to administrative reasons, the tender was subsequently cancelled, and a notification to that effect was affixed at the office of the second respondent. It is further alleged that around 2.30 p.m. on the same day, the petitioner, along with more than 40 others, unlawfully assembled at the office of the second respondent and questioned the



Crl.O.P.No.8730 of 2025

cancellation of the tender. During the said incident, there was a quarrel with the office assistants, and the accused persons trespassed into the office premises, damaged chairs and other office property as well as vehicles parked in front of the office. It is also alleged that a flower pot was broken and the office assistants were verbally abused. Hence, the present FIR was registered against the petitioner and others.

4. The learned counsel appearing for the petitioner would submit that there is no evidence to show that the petitioner entered the Town Panchayat Office. Further, there is no photograph to show that the petitioner and the other accused had caused damage to the furniture of the Town Panchayat Office.

5. A perusal of the records reveals that there are specific allegations as against all the accused persons, including the petitioner, to the effect that they trespassed into the Town Panchayat Office and caused damage to the furniture. That apart, he also threatened the defacto complainant with dire consequences and caused damages to all the articles within the office premises.



Crl.O.P.No.8730 of 2025

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6. 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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.



Crl.O.P.No.8730 of 2025

8. 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.

9. 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.



Crl.O.P.No.8730 of 2025

WEB CONTENT

10. In view of the above discussion, this Court is not inclined to quash the proceedings in PRC No.20 of 2024 on the file of the District Munsif cum Judicial Magistrate, Cheyyur. However, 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.

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

25.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp
To

1. The District Munsif cum Judicial Magistrate
Cheyyur

2. The Inspector of Police,
G-5, Chunambedu Police Station,
Cheyyur Taluk, Chunnambedu
Chengalpattu District-603 104

3. The Public Prosecutor,
Madras High Court,
Chennai.



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Crl.O.P.No.8730 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.8730 of 2025

25.03.2025