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Crl.O.P.No.12426 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.07.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.12426 of 2025 &
Crl.M.P.Nos.8268 & 8271 of 2025

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Shankari

.. Petitioner

Vs.

1.State by Inspector of Police,
All Women Police Station,
Chengalpattu, Chengalpattu District.
(Crime No.10 of 2024)

2.Mrs.Jayashree

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in P.R.C.No.51 of 2024, on the file of the learned Judicial Magistrate/Additional Mahila Court, Chengalpattu and quash the same.

For petitioner : Mr.T.R.Ravi

For respondents: Dr.C.E.Pratap
Government Advocate (Criminal Side)
for R1
Mr.E.Gopalakrishnan for R2



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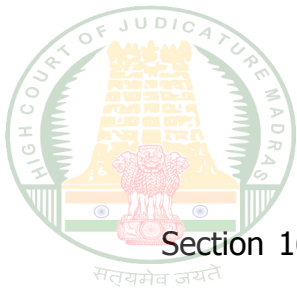
ORDER

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The present Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.51 of 2024 on the file of the learned Judicial Magistrate/Additional Mahila Court, Chengalpattu, arising out of Crime No.10 of 2024 registered by the respondent Police for the alleged offences under Sections 74, 115(2), 127(2), 296(d), and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS), as against the petitioner who is arrayed as A6.

2. The learned counsel for the petitioner submitted that the petitioner is a 75-year-old woman and the grandmother of A1. It is submitted that there is no specific allegation or overt act attributed to the petitioner in the complaint or in the charge sheet. The petitioner was not involved in any of the alleged incidents and was merely present in the house on one of the days when the defacto complainant claims to have come there. It is further submitted that the entire case has been foisted to falsely implicate the family members of A1, and the inclusion of the petitioner, considering her age and physical condition, is nothing but vindictive. Therefore, the continuation of the proceedings as against the petitioner amounts to an abuse of process of law and the same is liable to be quashed.

3. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent-Police submitted that the statement of witnesses recorded under



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Section 161 Cr.P.C. clearly discloses a specific allegation and overt act against the petitioner. It is submitted that the petitioner, along with other family members, was present during the incident and is stated to have scolded the defacto complainant in abusive terms, used filthy language, and forcibly drove her away from the premises. Therefore, it is contended that the petition raises disputed questions of fact which require to be tested only during the course of trial and cannot be considered at this stage.

4. The learned counsel for the second respondent/defacto complainant submitted that the petitioner was very much present during the incident and actively involved in humiliating and threatening the defacto complainant. It is submitted that there are specific allegations and witness statements supporting the role of the petitioner, and hence, the petition deserves to be dismissed.

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

6. A perusal of the complaint and the statements recorded during investigation reveals that the petitioner is arrayed as A6 and is the grandmother of A1. The specific allegation against the petitioner is that when the defacto complainant went to the house of A1 on the date of the incident, the petitioner was



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present at the scene, scolded her, used abusive language. This allegation has been repeated in the charge sheet and supported by the statement of the defacto complainant.

7. It is well settled that while exercising powers under Section 482 Cr.P.C. to quash criminal proceedings, the Court is not required to examine the truth or sufficiency of the evidence at this stage. If the complaint and the materials collected during investigation disclose the commission of a cognizable offence, the Court will not ordinarily interfere. In the present case, there is a specific allegation and an overt act attributed to the petitioner. Therefore, it cannot be said that the allegations are false or baseless on the face of it.

8. In view of the above, this Court is of the considered view that no ground is made out to quash the proceedings in P.R.C.No.51 of 2024, as against the petitioner, at this stage. Accordingly, this Criminal Original Petition is dismissed. However, it is made clear that the petitioner is at liberty to raise all her contentions during the course of trial. Consequently, the connected miscellaneous petitions are closed.

01.07.2025

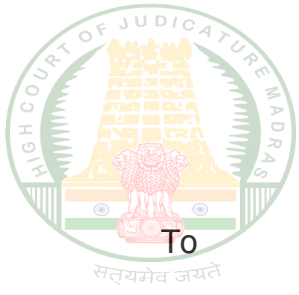
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1. The Judicial Magistrate/Additional Mahila Court,
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2. The Inspector of Police,
All Women Police Station,
Chengalpattu, Chengalpattu District.
(Crime No.10 of 2024)
3. The Public Prosecutor,
Madras High Court, Chennai.



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