



Crl.O.P.No.13710 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

Crl.O.P.No. 13710 of 2025 and
Crl.M.P.Nos.9149 and 9150 of 2025

T.Naveen

.... Petitioner

Vs

The Inspector of Police,
Vellore Taluk Police Station,
Vellore,
Vellore District.
(Crime No.69 of 2023).

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records in pursuant to the final report in STC No.2053 of 2024 on the file of Judicial Magistrate No.I, Vellore, Vellore District and quash the same.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl. Side)



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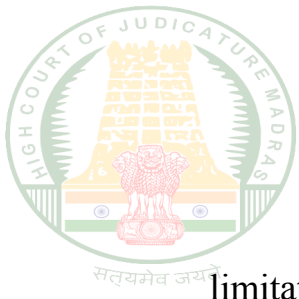
ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC No.2053 of 2024 on the file of Judicial Magistrate No.I, Vellore, Vellore District.

2. The case of the prosecution is that on 18.03.2023, the petitioner was riding a Honda Activa bearing Registration No. TN 23 CS 8712 in a rash manner. During a check conducted by the respondent, it was found that the petitioner was under the influence of alcohol. Consequently, an FIR was registered in Crime No. 69 of 2023 for the offences punishable under Sections 279 and 336 of the IPC read with Section 185 of the Motor Vehicles Act, 1988.

3. The learned counsel for the petitioner submitted that the entire case has been falsely foisted as against the petitioner. It was argued that even assuming the allegations to be true, no ingredients of the alleged offences are made out. The learned counsel further contended that the final report in the present case was filed belatedly and beyond the prescribed period under law, and as such, the same is barred by



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limitation. Therefore, the learned Magistrate ought not to have taken cognizance of the case. Hence, the continuation of proceedings amounts to abuse of process of law and prays to quash the proceedings.

4. The learned Government Advocate (Criminal Side) submitted that there are specific and serious allegations as against the petitioner. It was contended that the petitioner, while driving his two-wheeler in a rash manner, caused an accident and was found to be under the influence of alcohol at the time of the incident. The prosecution has completed the investigation in a proper and timely manner. The final report was filed on the same day the FIR was registered, i.e., 18.03.2023. Hence, no delay or limitation arises for taking cognizance by the Trial Court. Hence, he prays for the dismissal of this petition.

5. Heard both sides and perused the materials placed before this Court.

6. On perusal of the records, this Court is of the view that there are specific and *prima facie* allegations made as against the petitioner, including that the petitioner committed an accident while driving under



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the influence of alcohol. These are matters that require appreciation of evidence and cannot be gone into under Section 528 of BNSS., at the threshold stage. That apart, the final report has been filed after completion of investigation, and no sufficient ground has been made out 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. (Criminal Appeal No.579 of 2019, dated 02.04.2019)***, while dealing with a petition to quash the entire criminal proceedings, held that the High Courts have no jurisdiction to appreciate the statements of witnesses and record a finding that there were inconsistencies in their statements, and therefore, no *prima facie* case was made out against the accused. Such an exercise can be done only by the Trial Court while deciding the case on merits or by the Appellate Court while deciding the appeal arising out of the final order. The charge sheet having been laid on the basis of inconsistent statements under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is not a



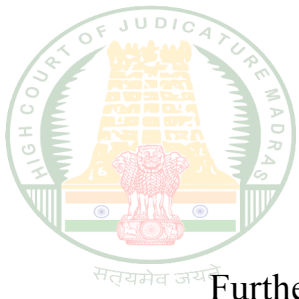
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ground for quashing at the pre-trial stage.

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 (Criminal Appeal No.1572 of 2019, dated 17.10.2019)***, held that the High Courts cannot record findings on disputed facts. The defence of the accused is to be tested after appreciation of evidence by the Trial Court during trial. Therefore, this Court has no power to consider 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 ***Criminal Appeal No.1817 of 2019*** in the case of ***M. Jayanthi vs. K.R. Meenakshi & Anr.***, held that while considering a petition for quashing a complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should examine is whether the allegations in the complaint form the basis of the ingredients constituting the offences complained of.



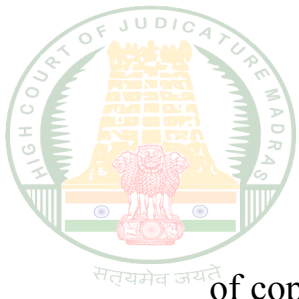
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Further, the Court can also examine whether the preconditions required for taking cognizance have been complied with, and whether the allegations contained in the complaint, even if accepted in their entirety, would constitute the offence alleged. Whether the accused will be able to disprove the allegations is a matter to be determined during trial.

10. Further, this Court cannot, at this stage, observe that the initiation of criminal proceedings is malicious. Whether the proceedings are malicious or not is a matter to be considered only at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained for quashing the entire proceedings at this stage.

11. In view of the above discussion, this Court is not inclined to quash the proceedings in STC No.2053 of 2024 on the file of Judicial Magistrate No.I, Vellore, Vellore District. The petitioner is at liberty to raise all the grounds before the Trial Court. The Trial Court is directed to complete the trial within a period of three months from the date of receipt



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12. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are 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, Vellore, Vellore District.

2.The Inspector of Police,
Vellore Taluk Police Station,
Vellore,
Vellore District.

3. The Public Prosecutor, High Court, Madras.

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