



*Crl.O.P.No.14042 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

Crl.O.P.No.14042 of 2025  
and Crl.M.P.Nos.9466 & 9470 of 2025

1. R. Manickavel  
2. A.Ramakrishnan

... Petitioners

Vs.

1. The State rep. by  
The Inspector of Police,  
Central Crime Branch,  
EDF-II, Team-IV,  
Vepery,  
Chennai – 600 007.

2. A.G.Sivaraman

... Respondents

**Prayer:** Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records relating to the criminal case in C.C.No.6886 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai and quash the same as far as the petitioners are concerned.

For Petitioners : Mr.K.Roopesh

For Respondents

For R1 : Mr.R.Vinothraja  
Government Advocate (Crl. Side)



*Crl.O.P.No.14042 of 2025*

## **ORDER**

WEB COPY

This petition has been filed to quash the proceedings in C.C.No.6886 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai, as against the petitioners thereby taken cognizance for the offences punishable under Sections 406, 420, 468, 471, 120B r/w 34 of IPC.

2. The petitioners are arrayed as A1 & A3 in the proceedings in C.C.No.6886 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai. The allegations are that the first petitioner posing himself as the agreement holder of the original owner of the property and promised to offer that property for a sale consideration of Rs.3,25,00,000/-. On various occasions, totally a sum of Rs.1,68,00,000/- was received by the first petitioner without introducing the title holder to the defacto complainant. Suspecting foul game, when the defacto complainant insisted to meet the original owner, the first petitioner tells the defacto complainant that if he had confidence on him, pay the balance amount or else get back the money advanced. Then, the first petitioner repaid only a sum Rs.40,00,000/- to the complainant and did not pay the balance



*CrI.O.P.No.14042 of 2025*

amount. On verification, the defacto complainant came to know that the original owner had settled the said property to her legal heirs. When the defacto complainant demanded money back, the petitioners along with other accused persons refused to pay the balance amount and also threatened him with dire consequences.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case for the offences under Sections 406, 420, 468, 471, 120B r/w 34 of IPC, as against the petitioners and the same has been taken cognizance in C.C.No.6886 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai. He further submitted that this Court by an order dated 01.10.2024 in Cr.O.P.No.4252 of 2024 quashed the proceedings, insofar as the co-accused are concerned. Hence he prayed to quash the same.

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



Crl.O.P.No.14042 of 2025

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

6. It is seen that on the complaint lodged by the second respondent, the first respondent registered a case in Crime No.798 of 2011 for the offences under Sections 406, 420, 468, 471, 120B r/w 34 of IPC. After completion of investigation, the first respondent filed final report and the same has been taken cognizance in C.C.No.6886 of 2023 by the trial Court and it is pending. To quash the said criminal proceeding, the petitioners have 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



*Crl.O.P.No.14042 of 2025*

WEB COPY

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.

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



*Crl.O.P.No.14042 of 2025*

WEB.COM

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.

10. Further this Court cannot observe at this stage that the initiation of criminal proceeding itself is malicious. Whether the criminal proceeding is malicious or not, is not required to be considered at this stage. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioners 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.6886 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai. The petitioners are at liberty to raise all the grounds before the trial Court. Considering the facts and circumstances, the



*Crl.O.P.No.14042 of 2025*

personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. 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.

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

30.04.2025

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

rts



*Crl.O.P.No.14042 of 2025*

**G.K.ILANTHIRAIYAN, J.**

rts

WEB COPY

To

1. The Metropolitan Magistrate  
for Exclusive Trial of CCB  
and CBCID Cases,  
Egmore, Chennai.

2. The Inspector of Police,  
Central Crime Branch,  
EDF-II, Team-IV,  
Vepery,  
Chennai – 600 007.

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

Crl.O.P.No.14042 of 2025  
and Crl.M.P.Nos.9466 & 9470 of 2025

30.04.2025