



Crl.O.P.No.11955 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11955 of 2025

and

Crl.M.P.No.7971 of 2025

Mohanraj

... Petitioner

Vs

1. The Inspector of Police,
Vaniyampadi Town Police Station,
Vaniyampadi,
Tirupathur District.
(Crime No.159/2022)

2. Srikanth

... Respondents

Criminal Original Petition is filed under Section 528 of BNSS., to call for the records relating to the proceedings in C.C.No.31 of 2025 on the file of the Judicial Magistrate, Vaniyambadi and quash the same.

For Petitioner : Mr.A.Murthy

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side) (for R1)



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ORDER

This petition has been filed to quash the proceedings in C.C.No.31 of 2025 on the file of the Judicial Magistrate, Vaniyambadi.

2. The case of the prosecution is that the petitioner borrowed a sum of Rs.4,00,000/- from the father of the second respondent, and his father had availed a loan to the said tune and had lent the said money to the petitioner. When the second respondent asked for the return of the said money, the petitioner threatened him with dire consequences. Further, the second respondent is a physically disabled person, and even then the petitioner threatened him with dire consequences and also insulted him about his disability. After completion of the investigation, the first respondent filed a final report, and the same has been taken cognizance of in C.C.No.31 of 2025 for the offences punishable under Sections 507, 506(i) of IPC and Section 92(a) of the Rights of Persons with Disabilities Act, 2016.



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3. The learned counsel for the petitioner would submit that there was delay in the lodgement of the complaint and there was absolutely no occurrence that had happened as alleged by the prosecution. It is only a loan transaction, and a false case has been foisted against the petitioner. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.159 of 2022 for the offences under Sections Sections 507, 506(i) of IPC and Section 92(a) of the Rights of Persons with Disabilities Act, 2016, as against the petitioner and the same has been taken cognizance in C.C.No.31 of 2025 on the file of the Judicial Magistrate, Vaniyambadi. Hence he prayed to quash the same.

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

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and



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perused the materials placed on record.

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6. On a perusal of the records, it is revealed that the occurrence had taken place on 13.02.2022, and the complaint was lodged on 15.02.2022. Therefore, there was not much delay in the lodgement of the complaint. Further, there are specific allegations against the petitioner and incriminating materials to charge the petitioner for the offences punishable under Sections 507, 506(i) of IPC and Section 92(a) of the Rights of Persons with Disabilities Act, 2016.

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



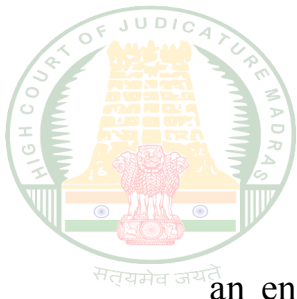
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or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. 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.

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



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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.

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.



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11. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.31 of 2025 on the file of the Judicial Magistrate, Vaniyambadi. The petitioner is at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

12. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation/Yes/No
kv



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- To
1. The Inspector of Police,
Vaniyampadi Town Police Station,
Vaniyampadi,
Tirupathur District.
 2. The Judicial Magistrate, Vaniyambadi.
 3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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