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Crl.O.P.No.12586 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

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

Crl.O.P.No. 12586 of 2025 and
Crl.M.P.Nos.8361 and 8362 of 2025

Vennila

.... Petitioner

Vs

1.State represented by
Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.212 of 2023).

2.S.Viyasar

.... 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 Charge Sheet in C.C.No.21 of 2025, on the file of the Judicial Magistrate Court, Karimangalam, Dharmapuri District and to quash the same in respect of the petitioner herein is concerned.

For Petitioner : Mr.C.Prabakaran

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



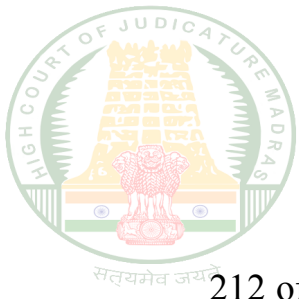
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ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.21 of 2025, on the file of the Judicial Magistrate Court, Karimangalam, Dharmapuri District.

2. The case of the prosecution is that on 25.08.2023 at around 8:15 PM, a physical altercation took place at Senguttai Village, Dharmapuri District, between the second respondent and their neighbors. During the incident, the second respondent was verbally abused with filthy language by the petitioner and was assaulted with sticks by one Suresh, Ramesh, and Parthiban, who are all the brothers of the petitioner, thereby causing bleeding and internal injuries. His wife Kavya, brother Vignesh, and sister-in-law Ranjitha were also injured. The said Ranjitha was pushed and her clothing was damaged. That apart one Selvi and Salman were also involved in this incident. The said Ramesh and Suresh allegedly issued threats to the family. All victims received treatment at Kambainallur Government Hospital. A case was registered in Crime No.



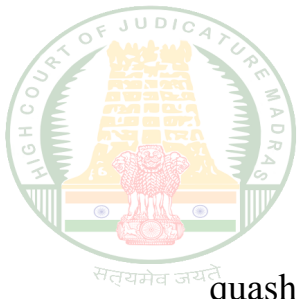
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212 of 2023 for the offences punishable under Sections 147, 294(b), 323, 324, 354(A), and 506(ii) of IPC. After completion of investigation, the first respondent filed the final report before the Judicial Magistrate Court, Karimangalam, Dharmapuri District and the same was taken cognizance in C.C.No.21 of 2025.

3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case due to prior enmity between the families. It was argued that the petitioner was not at all present at the scene of occurrence and has been roped in with general allegations, without any specific overt act attributed to her. The learned counsel further submitted that even as per the FIR and the statement of the second respondent, there is no material indicating the direct involvement of the petitioner in the alleged offence. Hence, continuation of proceedings as against the petitioner would amount to abuse of the process of law. Hence, he prays to quash the proceedings.

4. The learned Government Advocate (Crl. Side) opposed the



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quash petition and submitted that the investigation has clearly revealed the presence and involvement of the petitioner in the commission of the offence. The final report, along with the statements recorded under Section 161 of Cr.P.C, disclose sufficient material to proceed with the case. The injuries sustained by the second respondent and others corroborate the prosecution version. Hence, he prays for dismissal of this petition.

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

6. On perusal of the materials placed on record, this Court finds that there are specific allegations made as against the petitioner, and the investigation has gathered *prima facie* evidence indicating her involvement in the alleged incident. The plea of alibi or non-presence at the scene of occurrence is a matter of defence, which can be established only during trial. At this stage, this Court is not inclined to interfere with the proceedings, as the petitioner has not made out a case for quashing



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the proceeding under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 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***

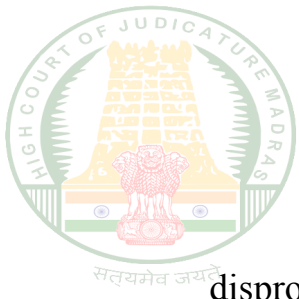


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Investigation vs. Arvind Khanna (Criminal Appeal No.1572 of 2019, dated 17.10.2019), held that the High Courts cannot record findings on disputed facts. The defence of the accused is to be tested after appreciation of evidence by the Trial Court during 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. 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



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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 C.C.No.21 of 2025, on the file of the Judicial Magistrate Court, Karimangalam, Dharmapuri District. The petitioner is at liberty to raise all the grounds before the Trial Court. The personal appearance of the petitioner is dispensed with and she 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 351 of BNSS and at the time of passing judgment. The Trial Court is directed to complete



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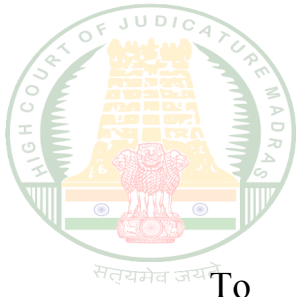
the trial within a period of six months from the date of receipt of copy of this Order.

12. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

24.04.2025

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

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1.The Judicial Magistrate Court, Karimangalam, Dharmapuri District

2.The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.

3. The Public Prosecutor, High Court, Madras.

G.K.ILANTHIRAIYAN, J.



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