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Crl.O.P.No.13155 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

CORAM:

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

Crl.O.P.No. 13155 of 2025 and
Crl.M.P.Nos.8720 and 8721 of 2025

R.Veeramani

.... Petitioner

Vs

1.The State rep by the
Inspector of Police,
All Women Police Station Villupuram,
Villupuram.

2.Akshaya

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the proceeding in S.C.No.64 of 2024 pending on the file of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram and quash the same.

For Petitioner : Mr.M.R.Thangavel for
Mr.P.Muthukumarasamy



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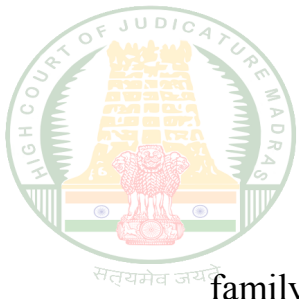
For R1

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

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.64 of 2024 pending on the file of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

2. The case of the prosecution is that on 06.03.2023 at around 8:00 PM, the second Respondent had gone to a vacant agricultural land belonging to one Ramachandran, located behind her house, to answer the call of nature. At that time, the petitioner, who is her maternal uncle, approached her, forcibly caught hold of her hands and committed rape. He also threatened her with dire consequences if she reveled the incident to anyone. The second respondent immediately informed her parents about the incident. On the same day, she, along with her parents, confronted the petitioner and his parents regarding the incident. However, it is alleged that the petitioner and his parents abused and threatened the second respondent and her



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family. Based on this, a case has been registered by the first respondent in Crime No.20 of 2023 for the offences punishable under Sections 294(b) 417, 376 and 506(1) of the IPC. After completion of investigation, the first respondent filed the final report before the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram and the same was taken cognizance in S.C.No.64 of 2024.

3. The learned counsel for the petitioner submitted that the allegations made as against the petitioner are false and motivated. It was contended that the petitioner has been falsely implicated due to family disputes and that no *prima facie* offence is made out to attract Section 376 of IPC. The petitioner further submitted that even if the entire prosecution version is taken at face value, the ingredients necessary to constitute the alleged offence are not satisfied, and the continuation of criminal proceedings would amount to an abuse of process of law. Hence, he prays to quash the proceedings.

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



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petition and submitted that the investigation has revealed sufficient material as against the petitioner to proceed with the case. It was specifically pointed out that the victim has clearly narrated the incident in her statement recorded under Section 164 of Cr.P.C., which discloses the commission of a serious offence punishable under Section 376 of IPC. It was further submitted that the doctor who was examined as LW10 has furnished a medical report confirming the presence of injuries on the private part of the victim, thereby corroborating the version of the complainant. Hence, he prays for dismissal of this petition.

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

6. After considering the submissions made by both parties carefully and the materials available on record, this Court is of the view that the allegations levelled as against the petitioner are serious in nature. The statement recorded under Section 164 of Cr.P.C., reveals the commission of a cognizable offence under Section 376 of IPC. The

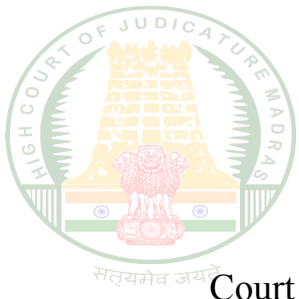


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medical report submitted by the doctor (LW10) also indicates the presence of injuries on the private part of the victim, which lends *prima facie* support to the prosecution case. At this stage, this Court cannot go into the truth or falsity of the allegations, which are matters for trial. The materials available clearly disclose the commission of a serious and heinous offence as against a woman, and hence, this Court is not inclined to interfere 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



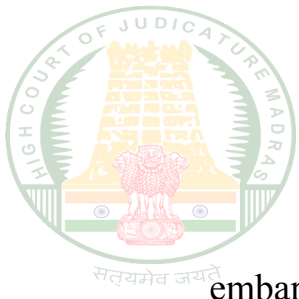
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Court while deciding the appeal arising out of the final order. The charge sheet having been laid on the basis of inconsistent statements under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is not a ground for quashing at the pre-trial 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 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



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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 disprove the allegations is a matter to be determined during trial.

10. In view of the above discussion, this Court is not inclined to quash the proceedings in S.C.No.64 of 2024 pending on the file of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram. 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 six months from the date of receipt of copy of this Order.

G.K.ILANTHIRAIYAN, J.

shk



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11. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed.

28.04.2025

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

To

1.The Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram

2.The Inspector of Police,
All Women Police Station Villupuram,
Villupuram.

3. The Public Prosecutor, High Court, Madras.

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