



Crl.O.P.No.25483 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25483 of 2025

Vipin Chanderan @ Harish

... Petitioner

Vs.

1. The State
Rep. by Inspector of Police
B4 High Court Police Station
Chennai – 600 104
(Crime No.06/2024)

2. Harini

... Respondents

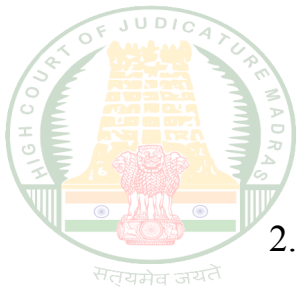
PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records, quash the charge sheet in C.C.No.1096 of 2024 pending on the file of the learned VII Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.A.Mohan

For 1st Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the charge sheet filed against the petitioner for the offences under Sections 294(b) and 325 IPC in C.C.No.1096 of 2024 pending on the file of the learned VII Metropolitan Magistrate, George Town, Chennai.



2. The petitioner is the husband of the defacto complainant/2nd respondent. On 27.03.2024 when the defacto complainant had come to mediation centre to attend mediation in Cr.P.No.100 of 2024, the petitioner abused and assaulted the the defacto complainant and also her advocate which resulted in this case and a counter case. In both the cases, now charge sheets have been filed.

3. The main contention of the learned counsel for the petitioner is that the police did not find out who the real aggressor is and has not conducted the investigation as per the Police Standing Order 566 (A). Therefore, the final report filed against the petitioner has to be quashed. The learned counsel also cited the directions of the Full Bench of this Court as follows:

“58. (B). For the Courts.

(a) Pre-Cognizance stage:

(i)

(ii)

(iii)...

(iv). *Where two final reports are filed in a case and counter case, it is the duty of the Magistrate to scrutinize the final reports carefully. If it is found that the final reports put forward inconsistent rival versions of the same incident (ie., if one version is true the other must necessarily be false), or where it is found that the IO has filed two*



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final reports mechanically without properly investigating and finding out the true aggressor the Magistrate shall return the final reports and direct the IO to come up with a definitive case.

....

....

59. (a)

(b) The consequences of non-compliance with PSO 566 would depend upon the stage at which such an objection is raised. It is the duty of the Magistrate to screen out final reports which are filed in inconsistent rival versions of the same incident ie., where one rival version is true the other must be necessarily false, by returning with a direction to follow PSO 566. Where the Magistrate inadvertently takes cognizance, the error may be set right by the High Court under Section 528 BNSS, 2023 if the same is raised at any early stage. If, however, the trial in such cases is allowed to go on and has reached an advanced stage, a plea of non-compliance with the PSO will not ipso facto vitiate trial unless and until a demonstrable case of prejudice or miscarriage is made out.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI. Side) appearing for the first respondent police



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and also perused the materials available on record.

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5. Admittedly, now both the cases have been charge sheeted and also taken on file by the Magistrate. It is for the Magistrate to scrutinize both the final reports and take a call on this. At this stage, this Court is not inclined to quash the charge sheet filed against the petitioner. Though the learned counsel for the petitioner cited the directions of the Full Bench of this Court, the same will not enable this Court to quashment of proceedings. Since the Magistrate has taken cognizance of the charge sheets, it is for the Magistrate to take a call on both the cases.

6. Accordingly, this Criminal Original Petition is dismissed.

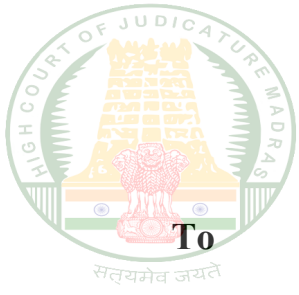
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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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1. The VII Metropolitan Magistrate
George Town, Chennai.

2. The Inspector of Police
B4 High Court Police Station
Chennai – 600 104

3. The Public Prosecutor
High Court of Madras, Chennai



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N. SATHISH KUMAR, J.

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