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Crl.O.P.No.13780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.13780 of 2025

V.Saravanan

...Petitioner

Vs.

1. State represented by
The Inspector of Police
H-5 New Washermenpet Police Station,
Chennai District.
(Cr.No.719 of 2024)

2. Karthick

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the FIR in Crime No.719 of 2024 on the file of the first respondent against the petitioner herein.

For Petitioner : Mr.P.Sivagurunathan

For Respondents : Dr.C.E.Pratap
Govt. Advocate (Crl.Side) for R1



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ORDER

This petition has been filed seeking to quash the case in Cr.No.719 of 2024 pending on the file of the first respondent police.

2 Learned counsel for the petitioner would submit that the petitioner is an practicing advocate and he has not committed any offence as alleged by the second respondent/defacto complainant. In fact the defacto complainant is a history-sheeter and even the petitioner and the other accused were not in station. There is no previous case as against the petitioner and even in the present case there is no specific overt act as against this petitioner. The petitioner never demanded any mamool as alleged by the defacto complainant. Therefore the present case against the petitioner has to be quashed.

3 Learned Government Advocate (Crl.Side) for the first respondent would submit that there are *prima facie* allegations against this



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petitioner and hence investigation would only reveal whether the petitioner demanded mamool and threatened the defacto complainant.

4 Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent police and perused the materials available on record.

5 On reading of the allegations made in the complaint and the First Information Report, this Court finds that there are *prima facie* allegations to proceed further. Once the Court finds that there exist *prima facie* allegations, it is for the Investigating Officer to conduct investigation and lay charge sheet. This Court cannot conduct roving enquiry in the petition under Section 528 BNSS at this stage. The Hon'ble Apex Court time and again held that exercising power under Section 482 Cr.P.C. and 528 BNSS should not be automatic and it should be exercised sparingly. In the present case, the reasons and grounds taken by the petitioner are not enough to quash the FIR at this stage. Therefore this Court is not inclined to grant



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the prayer sought for by the petitioner.

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6 Accordingly this Criminal Original Petition stands dismissed.

10.06.2025

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Speaking /Non-speaking order

To

1. The Inspector of Police, H-5 New Washermenpet Police Station, Chennai District.
2. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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