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Crl.O.P.No.13855 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.13855 of 2025 and
Crl.M.P.Nos.9257 and 9255 of 2025

A.Jayaveeran

...Petitioner

Vs.

State of Puducherry,
Rep. by the Special Investigation Officer,
CBCID, Puducherry.

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records connected with the Subsequent charge sheet filed by the respondent in C.C.No.9 of 2017 pending on the file of the Chief Judicial Magistrate, Puducherry and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.P.Sasikumar

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor (Pondy) assisted by
Mrs.N.Danalatchumy



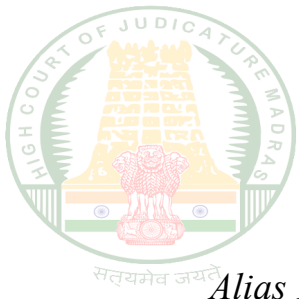
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ORDER

This petition has been filed seeking to quash the case in C.C.No.9 of 2017 pending before the learned Chief Judicial Magistrate, Puducherry, as against the petitioner herein.

2 Learned counsel for the petitioner would submit that based on the complaint given by the defacto complainant, the respondent police registered a case in Cr.No.09 of 2014 against the petitioner and others. The Investigating Officer, after investigation, filed deletion report, whereby the name of the petitioner has been deleted. But, subsequently, based on the directions issued by the Hon'ble Supreme Court, further investigation was conducted and the petitioner's name was also included in the Final Report, without even any fresh material for the accusation of the petitioner. Further no witnesses have spoken about the involvement of the petitioner in the alleged offence. Therefore the charge sheet filed by the Investigating Officer is clear abuse of process of law. In support of his contentions, the learned counsel for the petitioner placed reliance on the decisions of the Hon'ble Supreme Court reported in *(2009) 6 SCC 332 (Mithabhai Pashabhai Patel & Ors vs. State of Gujarat)*, *(2013) 5 SCC 762 (Vinaytyagi vs. Irshad Ali*



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Alias Deepak & Ors) and 2024 SCC OnLine SC 58 (Mariam Fasihuddin & Another vs. State by Adugodi Police Station and Another) and also the decision of this Court reported in 2024 SCC OnLine Mad 281 (S.Lakshmipathy vs. State rep. by DGP & Ors.

3 Learned Public Prosecutor (Pondicherry) would submit that as per the directions of the Hon'ble Supreme Court, further investigation was conducted. The complaint given by the defacto complainant and her statement reveals involvement of the petitioner and there exists *prima facie* materials to file charge sheet.

4 Heard the learned counsel for the petitioner and the learned Public Prosecutor (Pondy) for the respondent and perused the materials available on record.

5 It is seen that based on the complaint given by the defacto complainant a case in Cr.No.9 of 2014 was registered against the petitioner and others. After investigation, the respondent police filed deletion report before the learned Chief Judicial Magistrate deleting the name of some of the accused, which includes the name of the petitioner. Aggrieved



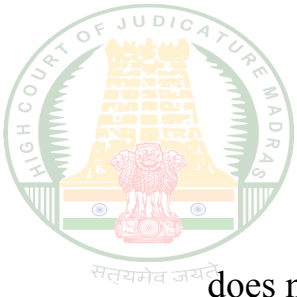
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against the same, the defacto complainant approached the Hon'ble Supreme Court, where she got an order of further investigation. Accordingly, further investigation was conducted, as per the directions issued by the Hon'ble Supreme Court and charge sheet also laid against the petitioner and others.

6 It is the main contention of the learned counsel for the petitioner that without any fresh materials while conducting further investigation, charge sheet was laid against the petitioner and the same is liable to be quashed. It is seen that in the complaint and while recording the statement under Section 161 Cr.P.C. the defacto complainant has clearly spoken about the involvement of the petitioner and hence corroboration for the same and the materials to link the petitioner in the crime can all be looked into at the time of trial. Furthermore, in criminal jurisprudence, the Court has to consider the quality of the witness and not the quantity. Therefore the decisions relied on by the learned counsel for the petitioner are not applicable to the facts of the present case on hand.

7 All the grounds taken by the petitioner to quash the case are nothing but defence, which can be agitated before trial Court. This Court



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does not find any reason to quash the case as sought for by the petitioner.

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8 Accordingly, this Criminal Original Petition stands dismissed. Consequently connected miscellaneous petitions are closed. However the petitioner is at liberty take all his defence before the trial Court.

18.06.2025

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Speaking /Non-speaking order

To

1. The Chief Judicial Magistrate, Puducherry.
2. The Special Investigation Officer, CBCID, Puducherry.
3. The Public Prosecutor, High Court of Madras.



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P.VELMURUGAN, J.

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