



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

Crl.O.P. No.15163 of 2023
& Crl.M.P. Nos.9483 & 9485 of 2023

1.Anandraj @ Anand Siddarth

2.Elakiyan

3.Sekar

4.Punitha

5.Soundarajan

.... Petitioners

Vs

1.State Rep. by its
The Inspector of Police,
All Women Police Station,
Saidapet, Chennai – 600 015.

2.K.Shanmuga Priya

.... Respondents

PRAYER: This Criminal Original Petition is filed under 482 Cr.P.C, to call for the records in S.C.No.351 of 2023 on the file of the Mahila Court, Allikulam, Chennai and quash the same.

For Petitioners : Mr.D.S.Rajasekaran

For Respondents

For R1 : Mr.K.M.D Muhulan
Government Advocate (Crl. Side)

For R2 : Ms.T.Sreelekha



ORDER

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No.351 of 2023 on the Mahila Court, Allikulam, Chennai.

2. It is seen that on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.1 of 2024 for offence under Sections 376, 417, 420, 294(b), 506(2) and 509 of IPC against the petitioners/A1 to A5. The first petitioner has developed the relationship with defacto complainant through facebook and fell in love. At the instance of the first petitioner, the second respondent went to Nagpur. While they were staying together, on the compulsion of the first petitioner, the second respondent had sexual intercourse with the first petitioner. Thereafter, the first petitioner refused to marry the second respondent and threatened that he would leak the personal photographs of the second respondent by morphing in the social media, if the second respondent compelled him to marry her. Further, the parents and friends of the first petitioner were also involved in the alleged offence. Hence, the second respondent lodged a complaint against the petitioners.

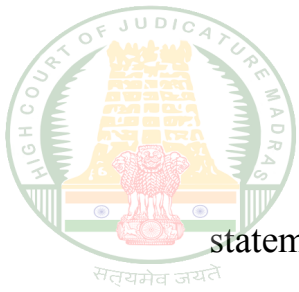


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3. After completion of investigation, the second respondent filed a final report and the same has been taken cognizance in S.C. No.351 of 2023 on the file of the Mahila Court, Allikulam, Chennai and the same is pending for trial. In the meanwhile, the second respondent also filed a direction petition before this Court for seeking further investigation against the accused persons.

4. In fact, this Court, by order dated 20.02.2025 in W.P. No.25703 of 2024 ordered the second respondent to conduct further investigation and file a final report within a period of six weeks before the Trial Court. Further, there are specific allegations as against the accused persons and also materials available to attract the offences under Information Technology Act, against the petitioners.

5. 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., (Crl.A.No.579 of 2019 dated 02.04.2019)** while dealing with the petition to quash the entire criminal proceedings held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and recorded a finding that there were inconsistencies in their



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statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the charge sheet has been laid on the basis of the inconsistency statement under Section 161 of Cr.P.C.

6. 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, (Crl.A.No.1572 of 2019*** dated 17.10.2019) held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therefore, this Court has no power to consider the disputed facts under Section 482 of Cr.P.C.

7. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr***, held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark



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upon an enquiry into the validity of the evidence available. All that the

Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or not and whether the allegations contained in the complaint, even if accepted in entirety, would not constitute the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

8. Further, this Court cannot observe at this stage, that the initiation of criminal proceeding itself is malicious. Whether the criminal proceeding is malicious or not, is not required to be considered at this state. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

9. In view of the above discussion, this Court is not inclined to quash the proceedings in S.C. No.351 of 2023 on the file of the Mahila Court, Allikulam, Chennai. The petitioners are at liberty to raise all the



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grounds before the trial Court. The trial Court is directed to complete the trial as early as possible.

10. Accordingly, the Criminal Original Petition stands dismissed.

Consequently, connected miscellaneous petitions are also closed.

20.02.2025

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

1.The Commissioner of Police,
Commissioner Officer,
Vepery,
Chennai – 600 010.

2.The Inspector of Police,
All Women Police Station W24,
Teynampet, Chennai – 600 018.

3.The Inspector of Police,
All Women Police Station,
Saidapet, Chennai – 600 015.



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G.K.ILANTHIRAIYAN, J.

rkp

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(2/2)

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