



*CrI.O.P.No.4681 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

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

CrI.O.P.No.4681 of 2025

Rajan

... Petitioner

Vs.

1. The Inspector of Police,  
Vennandur Police Station,  
Vennandur, Namakkal District.  
(Crime No.107/2019)

2. Sowndram

... Respondents

**PRAYER:** The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to quash C.C.No.236 of 2020 on the file of the Judicial Magistrate Court, Rasipuram.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.K.M.D.Muhilan  
Government Advocate  
(Criminal Side)

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## **ORDER**

**WEB COPY** The present Writ Petition has been filed to quash C.C.No.236 of 2020 on the file of the Judicial Magistrate Court, Rasipuram.

2. On the complaint lodged by the second respondent, the first respondent registered the F.I.R. in Crime No.107 of 2019 for the offences under Section 294(b), 323, 324, 355, 354B, 506(1) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act alleging that on 07.05.2019 at about 9.00 a.m., the second respondent asked about the amount borrowed for business purpose, the accused persons attacked the second respondent and also abused her with filthy languages, due to which, she sustained injuries and she was treated as out-patient. After completing the investigation, the first respondent filed a final report and the same has been taken cognizance in C.C.No.236 of 2020 on the file of the learned Judicial Magistrate, Rasipuram and the same is pending.

3. The learned counsel appearing for the petitioner submits that the present complaint is nothing but the counter blast to a divorce petition filed by the petitioner in H.M.O.P.No.104 of 2018 and the petitioner is arrayed as A1, who is the husband of the second respondent.



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**WEB COPY** 4. On perusal of the records, it reveals that specific averments made against the petitioner along with other accused persons in the occurrence would attract an investigation. The matrimonial dispute is nothing to do with the complaint lodged by the second respondent.

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 record a finding that there were inconsistencies in their 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./180 of the Bharatiya Nagarik Suraksha Sanhita, 2023. (*any one*)



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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./528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.(any one)

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 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



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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, Calendar Case (C.C) is of the year 2020 and the petitioner and other accused persons managed to prolong the trial till date. After five years from the date of taking the cognizance, the petitioner has filed this petition to quash the entire proceedings in C.C.No.236 of 2020.

9. In view of the above, this Court is not inclined to quash the entire proceedings in C.C.No.236 of 2020 on the file of the Judicial Magistrate Court, Rasipuram. Hence, this Criminal Original Petition is dismissed.

**20.02.2025**

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WEB COPY



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**G.K.ILANTHIRAIYAN, J.**

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To

1. The Judicial Magistrate Court, Rasipuram.
2. The Inspector of Police,  
Vennandur Police Station,  
Vennandur, Namakkal District.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai - 600 104.

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