



WEB COPY

CRL OP No. 18788 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 18788 of 2025

AND

CRL MP NO. 12585 OF 2025, CRL MP NO. 12586 OF 2025

K.Ammu

Petitioner(s)

Vs

1. The Inspector of Police,
T9-Pattabiram Police Station,
Pattabiram, Chennai - 600072.
(Crime No. 513/2022)

2.K.Tamilselvi

Respondent(s)

PRAYER

Criminal Original Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the charge sheet (final report) filed by the 1st respondent in CC.No.192/2024 on the file of the learned Judicial Magistrate Court No.II, Thiruvallur and quash the same.



WEB COPY

CRL OP No. 18788 of 2025



For Petitioner(s): Mr.A.Prakash

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor for
R1
No appearance for R2

ORDER

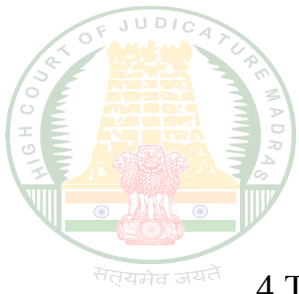
The final report filed against the petitioner for the offences under Sections 188, 447, 427, 434, 294(b) and 506(i) IPC, which was taken on file in C.C.No.192 of 2024 by the learned Judicial Magistrate-II, Thiruvallur, is sought to be quashed.

2.Earlier, in a writ petition filed by the Rajiv Gandhi Residential Welfare Association, Thiruvallur, to remove the encroachment made by the private respondent therein namely Thairiya Nathan, in the land allotted for park in S.No.108/2B forming part of the approved layout of “Rajiv Nagar”, Nemilichery, Poonamallee Taluk, Thiruvallur District, in W.P.No.11095 of 2019, a Division Bench of this Court, by order dated 19.02.2020, directed the official respondents therein, including the District Collector, Thiruvallur, to remove the



encroached park area by issuing notice to the private respondent therein and pass appropriate orders on merits and accordance with law after hearing the parties. Pursuant to the orders of this Court, encroachment drive was conducted and fencing has also been done around the park and a Board cautioning that the trespassers will be prosecuted was also placed.

3.While so, it is the case of the prosecution that, on 14.08.2022, the petitioner, who is the 7th Ward Member, by misusing her powers, has removed the fencing around the park, to support her sister Vennila, W/o.Thairiyanathan. When the same was opposed by the *de facto* complainant, who is the President of Nemilichery Village Panchayat, the petitioner has prevented the *de facto* complainant, who is a public servant, from doing her official duty and abused her in a filthy language and threatened her of dire consequences. Therefore, the President of Nemilichery Village Panchayat has lodged a complaint with the respondent Police and based on that, an FIR came to be registered in Crime No.513 of 2022.



WEB COPY

4.The Investigation Officer, after examination of witnesses and collecting various materials, has filed a final report dated 26.08.2022, against the petitioner for the offences under Sections 188, 447, 427, 434, 294(b) and 506(i) IPC, which was taken on file by the learned Judicial Magistrate-II, Thiruvallur, in C.C.No.192 of 2024. To quash the same, the present petition has been filed.

5.According to the learned counsel for the petitioner, the *de facto* complainant has foisted a false complaint as against the petitioner. He would further submit that the other complaint lodged as against the petitioner's sister's husband and his daughter has been quashed by this Court in CrI.O.P.No.11407 of 2025, by order dated 17.04.2025.

6.I have perused the entire materials available on record. On a perusal of the final report, it is seen that the statements given by the eye-witnesses indicate that the petitioner has removed the fencing around the park despite the orders of this Court and abused the *de facto* complainant in a filthy language and



WEB COPY

prevented her from doing her official duty. The materials collected by the

Investigation Officer clearly indicates that the petitioner appears to have

prevented the public servant from discharging her duties in complying with the

directions of this Court in W.P.No.11095 of 2019. Whether the statements of

the witnesses are true or not, is a matter of evidence and the same cannot be

probed into in a petition under Section 482 Cr.P.C. When there are

incriminating materials against the accused, it is for the accused to prove her

innocence by adducing oral and documentary evidence during the course of

trial. The Hon'ble Supreme Court and this Court has time and again held that

the High Court can exercise its jurisdiction under Section 482 Cr.P.C. to quash

the complaint or the criminal proceeding, only sparingly, if and only if the

complaint or the materials collected in support of the same, even if they are

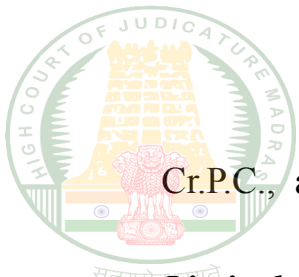
taken at their face value and accepted in their entirety, do not *prima facie*

constitute any offence or make out a case against the accused. When there are

sufficient materials to make out an offence as against the petitioner, this Court

cannot exercise its inherent jurisdiction under Section 482 Cr.P.C. This Court

cannot conduct a roving enquiry or a mini-trial in a petition under Section 482



Cr.P.C., as held by the Hon'ble Supreme Court in *Gunmala Sales Private*

Limited v. Anu Mehta and others reported in (2015) 1 SCC 103, to find out the

WEB COPY

correctness of the statements of the witnesses. Therefore, this is not a fit case for quashing the criminal proceedings at this stage.

7. Therefore, I do not find any merit in this petition. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

12-08-2025

mkn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Inspector of Police,
T9-Pattabiram police Station,
Pattabiram, Chennai - 600072.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY

CRL OP No. 18788 of 2025



N.SATHISH KUMAR J.

mkn

**CRL OP No. 18788 of
2025**

12-08-2025