



Crl.O.P.No.26875 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.26875 of 2025 and
Crl.M.P.No.18311 of 2025

Dhineshpal

... Petitioner

Vs.

1. The State

Represented by its
Inspector of Police
Steel Plant P.S.
Salem District

2. Vengatesh

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in connection with the charge sheet in C.C.No.10837 of 2024, Salem as against the petitioner (A20) on the file of the Judicial Magistrate-I, Salem and quash the same.

For Petitioner : Mr.N.Krishnamoorthy

For 1st Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



ORDER

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This Criminal Original Petition has been filed to quash the final report in C.C.No.10837 of 2024 on the file of the Judicial Magistrate-I, Salem, as against the petitioner, filed for the offences under Sections 120B, 419, 420, 170, 365 read with 34 and 109 of IPC.

2. The petitioner is ranked as A20 in the final report. According to the learned counsel for the petitioner there is no material as against the petitioner. Therefore, he prays to quash the final report.

3. A perusal of the entire final report and statements recorded from the witnesses shows that serious charges have been slapped against the accused including conspiracy. The accused have made the defacto complainant to bring Rs.50 lakhs to a certain place under the pretext of giving 33% extra money. Thereafter, one of the accused waylaid the defacto complainant's car and acted as police and taken away the amount Rs.50 lakhs from the defacto complainant.

4. In this case, serious allegations have been made with regard to concrete charges against the accused which could be unearthed only after investigation. This Court, while exercising its jurisdiction under Section 528 BNSS, cannot conduct a roving enquiry or mini trial as held by the Hon'ble Supreme Court in ***Gunmala Sales Private Limited v. Anu Mehta***



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and others reported in *(2015) 1 SCC 103*, with regard to the veracity of the statements.

5. As far as the charge of conspiracy is concerned, it is settled law that there cannot be any direct evidence. The charge of conspiracy can be proved by various circumstantial evidence. The facts can be seen only after the entire evidence come on record and it is the domain of the trial Court to appreciate all the materials which comes before the Court. Therefore, this Court is not inclined to quash the final report.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

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Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

1. The Judicial Magistrate-I
Salem
2. Inspector of Police
Steel Plant P.S.
Salem District
3. The Public Prosecutor
High Court of Madras

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N. SATHISH KUMAR, J.

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