



WEB COPY



CRL OP No. 3929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 3929 of 2023

and

CRL MP No. 2464 of 2023

1. Kathiravan
S/o Perumal,
Inspector of Police,
Previously Worked at
Kunnam Police Station,
Perambalur District.
Now Working At
T.Palur Police Station,
Ariyalur District.
2. Manikandan
S/o Muthusamy,
Sub Inspector of Police,
Previously Worked at
Kunnam Police Station,
Perambalur District

Now Working at
Perambalur Town Police Station,
Perambalur District.

..Petitioners

Vs

R.Sekar
S/o Rasu,
North Street,
Jameenperaiyur Village,
Alathur Taluk, Perambalur District

..Respondent



CRL OP No. 3929 of 2023

Prayer : This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the complaint in STC No.19 of 2021 on the file of the District Munsif Cum Judicial Magistrate Kunnam.

For Petitioners: Mr.M.Tamil Thendral

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC No.19 of 2021 on the file of the District Munsif-cum-Judicial Magistrate, Kunnam.

2. The case of the respondent is that a complaint was lodged by the respondent making specific allegations as against the petitioners to attract the offences under Sections 294(b), 323 & 506(i) of IPC.

3. Heard the learned Counsel appearing for the petitioner and perused the materials placed on record.

4. 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.

5. 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.

6. 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 consititue 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 consititue 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.

7. 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 stage. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioners cannot be entertained to quash the entire proceedings.

8. In view of the above discussion, this Court is not inclined to quash the proceedings in STC No.19 of 2021 on the file of the District Munsif cum



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Judicial Magistrate, Kunnam. The petitioners are at liberty to raise all the grounds before the Trial Court. However, the Trial Court is directed to complete the trial within a period of six months from the date of receipt of copy of this Order.

9. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
LPP

To

The District Munsif-cum-Judicial Magistrate,
Kunnam.



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G.K.ILANTHIRAIYAN J.

LPP

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