



Crl.O.P.Nos.20138 & 21182 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM:

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

Crl.O.P.Nos.20138 & 21182 of 2023 and
Crl.MP.Nos.13718, 14556 of 2023 & 11526, 11527 of 2024

Crl.OP.No.20138 of 2023

J.Anantha Prabhu

... Petitioner

Vs.

1.STATE REP BY
ASSISTANT COMMISSIONER OF POLICE, NUNGAMBAKKAM,
RANGE, CHENNAI-34

2.INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOUSAND LIGHTS,
CHENNAI.

3.SANGEETHA

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the records relating to Spl.SC.No.143 of 2023 on the
file of the Learned Principal City Civil Court, Chennai and quash the
same.

For Petitioner : Mr.R.Karthikeyan

For Respondents

For R1 & 2 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R3 : Mr.C.Prabhu

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1.Manickavasagam

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2.Mannagatti

... Petitioners

Vs.

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ASSISTANT COMMISSIONER OF POLICE, NUNGAMBAKKAM,
RANGE, CHENNAI-34

2.INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOUSAND LIGHTS,
CHENNAI.

3.SANGEETHA

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records relating to Spl.SC.No.143 of 2023 on the file of the Learned Principal City Civil Court, Chennai and quash the same against the petitioners.

For Petitioner : Mr.R.Karthikeyan

For Respondents

For R1 & 2 : Mr.A.Gopinath,
Government Advocate(crl.side)

For R3 : Mr.C.Prabhu

COMMON ORDER

Both the criminal original petitions have been filed to quash the proceedings in Spl.SC.No.143 of 2023 on the file of the Learned Principal City Civil Court, Chennai.

2. The case of the prosecution is that while the third respondent was working at Stanley Hospital, Chennai, one, Bakkiaraj had been admitted in that hospital for treatment. In order to see the said Bakkiaraj,



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the first accused used to come to the hospital, pursuant to which the third respondent and the first accused developed a friendship. Thereafter, on the pretext of marriage, the first accused compelled the third respondent to have sexual relationship with him. Four years later, the parents of the first accused were admitted in the hospital for treatment. At that time, the first accused introduced her to his parents as if he would marry her. Thereafter one day, the first accused had forcefully taken her to his house and had tied 'thali' and had forced her to have sexual relationship with him. As such, till 2021, she lived with him as his wife. During that period, his parents and siblings used to come to their house. While being so, the first accused, who was working in the police department, was transferred to Villupuram. Therefore, the first accused left her in her parents' house at Anaimalai village and promised that he would take her to his house later. However, thereafter he did not contact the third respondent. Therefore, she went to his house on 24.01.2022. At that time, the first accused's brother abused her by using her caste name. She was also threatened to be killed. Hence, the third respondent lodged a complaint. On receipt of the complaint, FIR was registered for the offence punishable under Sections 417, 376, 493, 506(i) of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va), 3(2)(vii) of SC and ST (POA) Act, 1989. After completion of investigation, final report was filed and the same has been taken

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cognizance in Spl.SC.No.143 of 2023 by the trial Court.

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3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Without any base, FIR was registered against them and the same was taken cognizance in Spl.SC.No.143 of 2023 on the file of the Learned Principal City Civil Court, Chennai. He further submitted that even according to the third respondent, she had live-in relationship with the first accused for a period of three years and thereafter the complaint was lodged. Hence he prayed to quash the impugned proceedings.

4. Heard the learned Counsel appearing on either side and perused the materials placed on record.

5. It is seen that on the complaint lodged by the third respondent, FIR was registered for the offence punishable under Sections 417, 376, 493, 506(i) of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(va), 3(2)(vii) of SC and ST (POA) Act, 1989. After completion of investigation, final report was filed and the same has been taken cognizance in Spl.SC.No.143 of 2023 by the trial Court and it is pending.



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To quash the said criminal proceeding, the petitioners have filed the present petitions.

6. 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.

7. 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



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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.

8. 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 will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

9. 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 grounds raised by the petitioners to quash the final report/charge sheet cannot be entertained to quash the entire proceedings.

10. In view of the above discussion, this Court is not inclined to quash the impugned proceedings. However, the petitioners are at liberty to raise all the grounds before the trial Court. The personal appearance of A2 & A3 before the trial court, is dispensed with and they shall be represented by a counsel after filing appropriate application. However, A2 & A3 shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 351 of BNSS and at the time of passing judgment. 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.

11. In the result, both the Criminal Original Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1.The Learned Principal City Civil Court, Chennai
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