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CRL OP No. 29535 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.No. 29535 of 2022

and

Crl.M.P.No.18087 of 2022

1. Rajkumar
Inspector of Police,
Senthurai,
Ariyalur District.
2. Manavalan
Sub Inspector of Police,
Senthurai,
Ariyalur District

..Petitioners

Vs

Fathima Pevi

..Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records pertaining to CC No.43 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Senthurai and quash the same.

For Petitioners:

Mr.R.Gokulakrishnan

For Respondent:

P.Pugalenthi

**ORDER**

This Criminal Original Petition has been filed to quash the proceedings in

C.C.No.43 of 2022 on the file of the Judicial Magistrate, Senthurai.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The respondent lodged a complaint against the petitioners and others alleging that there is a civil dispute over the property and that one Muthaliff and his family assaulted her husband and sons with deadly weapons and caused grievous injuries. Due to which, they were admitted in Government Hospital, Ariyalur, and were subsequently referred to the Government Medical College Hospital, Thanjavur, for further treatment. However, the petitioners, who are police officials, failed to record the statements of the injured persons and obtained bribe from the said Muthaliff and his family for not registering the FIR. Since, no action was taken on the her complaint, the respondent forwarded the same to the higher police authorities and thereafter filed a private complaint under Section 200 of the Code of Criminal Procedure before the Judicial Magistrate, Sendurai.

4. On receipt of the complaint, the Trial Court had taken cognizance, finding that there are specific allegations made out a prima facie to take



cognizance as against all the accused persons. Though the petitioners are arrayed as A6 and A7, viz., the Inspector of Police and the Sub-Inspector Police, there are specific allegations as against them to attract the offences alleged. Further, the alleged acts cannot be said to have been committed in the discharge of their official duties. Hence, this Court finds no grounds to quash the proceedings in C.C.No.43 of 2022.

5. In this regard, 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..

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.

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 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 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 state. The same is



required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioner to quash the entire proceedings cannot be considered.

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9. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.43 of 2022 on the file of the Judicial Magistrate, Senthurai. The petitioner is at liberty to raise all the grounds before the trial Court. However, the personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners 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.

10. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

27-03-2026

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

LPP



To

The District Munsif cum Judicial Magistrate,
Senthurai.



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G.K.ILANTHIRAIYAN J.

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