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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31092 of 2026

CNR:{HCMA012335162026}

AND CRL MP NOS.20550 & 20551 OF 2026

Leela
W/o Vijayanand,
No.78, GNT Road,
Verkadu Village,
Gummidipoondi Taluk,
Tiruvallur District.

..Petitioner(s)

Vs

1. The Deputy Superintendent of Police,
   Sipcot,
   Tiruvallur and District.

2. The Inspector of Police,
   F2-Sipcot Police Station,
   Gummidipoondi,
   Tiruvallur District.

3. Santhi,
   W/o Anandaraj,
   No.78, GNT Road,
   Verkadu Village,
   Gummidipoondi Taluk,
   Tiruvallur District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records pertaining to the SC No.4 of 2025 pending on the file of the Learned Principal District and Sessions Judge, Tiruvallur and to quash the same.

For Petitioner(s): Mr.B.Gopalakrishnan

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For Respondent(s): Mr.R.Ganesh Kumar,
Additional Public Prosecutor for R1 & R2

Order

This Criminal Original Petition has been filed seeking to call for the records pertaining to S.C.No.4 of 2025, pending on the file of the learned Principal District and Sessions Judge, Tiruvallur, and to quash the same.

2.The case of the prosecution is that the defacto complainant, the third respondent herein, a retired nurse, and her minor daughter, Gopika, had been residing as tenants in the petitioner's premises for about three years. The petitioner had previously worked under the third respondent as a junior nurse. It is alleged that, owing to their Scheduled Caste status, the petitioner started discriminating against and harassing them. On 11.02.2024, the petitioner allegedly abused Gopika in filthy language and attempted to assault her when she tried to park her vehicle. When questioned by the third respondent, the petitioner allegedly trespassed into her house and hurled caste-based abuses at them. Further, on 12.03.2024, the petitioner allegedly abused them by referring to their caste, locked the house, disconnected the electricity supply and threatened to forcibly evict them. On 13.03.2024, the petitioner allegedly entered their house, removed their household articles and prevented the third respondent and her daughter from entering the premises. Hence, the third respondent lodged a complaint dated 14.03.2024 with the respondent police.

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Based on the said complaint, the respondent police initially registered Crime No.283 of 2024 for the offences under Sections 294(b), 323 and 506(i) of IPC, read with Sections 3(1)(a), 3(1)(r) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Subsequently, the provisions were altered to include Sections 341 and 448 of IPC, Sections 3(1)(z) and 3(2)(va) of the SC/ST (POA) Act, 1989, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. Upon completion of the investigation, the respondent police filed a charge sheet before the learned Principal District and Sessions Judge, Tiruvallur, which was taken on file as S.C.No.4 of 2025 and is pending trial.

3.The learned counsel appearing for the petitioner submits that the dispute is purely one between a landlord and a tenant. The third respondent had failed to pay rent for a considerable period. Therefore, in order to escape from the consequences of non-payment of rent, the third respondent has foisted a false complaint against the petitioner. Hence, the learned counsel prays for allowing this Criminal Original Petition.

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

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5.On perusal of the impugned final report and the statements of the witnesses, it is revealed that the petitioner is the landlord and the third respondent is a tenant. In order to evict the tenant, the petitioner allegedly committed serious offences against the defacto complainant. There are specific allegations against the petitioner, which are sufficient to attract the offences under Sections 341 and 448 of IPC, Sections 3(1)(z) and 3(2)(va) of the SC/ST (POA) Act, 1989, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. The veracity of the allegations can be determined only at the stage of trial, upon appreciation of the evidence. The grounds raised by the petitioner involve disputed questions of fact, which cannot be adjudicated at this stage.

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 a petition seeking to quash the entire criminal proceedings, held that the High Court has no jurisdiction to appreciate the statements of witnesses and record a finding that there are inconsistencies in their statements and, therefore, no prima facie case is made out against the accused. Such an exercise can be undertaken only by the trial Court while deciding the matter on merits or by the appellate Court while deciding an appeal arising out of the final order.

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7.Further, the Hon'ble Supreme Court of India, in the case of ***Central Bureau of Investigation Vs. Arvind Khanna (Crl.A.No.1572 of 2019, dated 17.10.2019), reported in 2019 (10) SCC 686***, held that the High Court cannot record findings on disputed questions of fact. The defence raised by the accused has to be tested upon appreciation of evidence by the trial Court during the course of trial. Therefore, this Court cannot undertake an adjudication of disputed questions of fact while exercising its jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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.P.Meenakshi & Anr.,*** held that while considering a petition seeking to quash a complaint or charge sheet, the Court should not embark upon an enquiry into the validity or sufficiency of the evidence available. All that the Court is required to examine is whether the allegations in the complaint disclose the ingredients constituting the offences alleged. Further, the Court may examine whether the preconditions requisite for taking cognizance have been complied with and whether the allegations contained in the complaint, even if accepted in their entirety, would constitute the offences alleged. Whether the accused would be able to disprove the allegations in a manner known to law is a matter to be considered only at a later stage, namely, during the trial.

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9.Further, this Court cannot, at this stage, record a finding as to whether the initiation of the criminal proceedings is malicious or not. The same can be considered only upon proper appreciation of the evidence. Therefore, the grounds raised by the petitioner for quashing the final report/charge sheet cannot be entertained at this stage.

10.In view of the foregoing discussion, this Court is not inclined to quash the proceedings in S.C.No.4 of 2025, pending on the file of the learned Principal District and Sessions Judge, Tiruvallur. The petitioner is at liberty to raise all the grounds available to her before the trial Court. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

11.Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are also closed.

28-10-2026

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

1.The Principal District and Sessions Judge,
Tiruvallur.

2.The Deputy Superintendent of Police,
Sipcot,
Tiruvallur District.

3.The Inspector of Police,
F2-Sipcot Police Station,
Gummidipoondi,
Tiruvallur District.

4.The Public Prosecutor,
High Court,
Madras.

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