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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. 31151 of 2026

CNR:{HCMA012398472026}

AND

CRL MP NO. 20671 OF 2026

1. Tamizhvel
   S/o Kanagasabai,
   Mariyamman Koil Street,
   Kumizhiyam,
   Sendurai Taluk,
   Ariyalur District.

2. Thenmozhi
   W/o Tamizhvel,
   Mariyamman Koil Street,
   Kumizhiyam,
   Sendurai Taluk,
   Ariyalur District.

3. Pugazhenthi
   S/o Kanagasabai,
   Mariyamman Koil Street,
   Kumizhiyam,
   Sendurai Taluk,
   Ariyalur District.

4. Latha
   W/o Pugazhenthi,
   Mariyamman Koil Street,
   Kumizhiyam,
   Sendurai Taluk,
   Ariyalur District.

..Petitioner(s)

Vs

1. The State Rep. by, The Inspector of Police
   Irubulikurichi Police Station,
   Ariyalur District.

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2. Selvakumari
W/o Jeganathan,
Therkutheru, Aykkal,
Ariyalur Taluk and District.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records in CC.No.101 of 2024 on the file of District Munsif cum Judicial Magistrate, Sendurai and quash the same.

For Petitioner(s): Mr.S.Kannan

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

Order

This Criminal Original Petition has been filed to call for the records in CC.No.101 of 2024 on the file of District Munsif cum Judicial Magistrate, Sendurai and quash the same.

2.The case of the prosecution is that the defacto complainant had mortgaged her property, measuring 10 cents, with the first petitioner for Rs.11,00,000/-. Despite repayment of the loan, the first petitioner refused to redeem the mortgage and instead executed a sale deed in favour of his brother-in-law, Ilayaraja. On 22.08.2022, when the defacto complainant, along with her relatives, attempted to remove the fence erected by the first petitioner around the property, he attacked her on the back of her head with an aruval and abused her in filthy language. The other petitioners also assaulted her, and the first petitioner criminally intimidated her with dire consequences. Based on the

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complaint, the respondent police registered a case in Crime No.139 of 2022, for the offences punishable under Sections 294(b), 323, 324, 354 and 506(ii) of IPC. Upon completion of investigation, the respondent police filed a final report, which was taken cognizance of by the trial Court in C.C.No.101 of 2024.

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

4.On perusal of the records, it is seen that there are totally four accused and specific allegations have been levelled against them, prima facie disclosing the commission of the alleged offences. Though the learned counsel for the petitioners contended that the dispute is civil in nature and that a false case has been foisted against them, the records revealed that the second respondent sustained injuries and was admitted to the hospital as an inpatient.

5.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

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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 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6.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 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. Therfore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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 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

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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.

8.Further, this Court cannot observe at this stage as to whether the initiation of criminal proceeding itself is malicious or not. The same is required to be considered at the conclusion of the trial. Therefore, the ground raised by the petitioners to quash the final report/charge sheet cannot be entertained.

9.In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.101 of 2024 on the file of the District Munsif cum Judicial Magistrate at Sendurai. The petitioners are at liberty to raise all the grounds before the trial Court. Considering the age of the petitioner Nos.2 and 4, the personal appearance of the petitioner Nos.2 and 4 are dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioner Nos.2 and 4 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.

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

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

AH

To

1.The District Munsif cum Judicial Magistrate at Sendurai.

2.The Inspector of Police,
Irubulikurichi Police Station,
Ariyalur District.

3.The Public Prosecutor,
High Court,
Madras.

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