Order QR

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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. 31094 of 2026

CNR:{HCMA012493782026}

AND CRL MP Nos.20743 & 20747 OF 2026

Latha

..Petitioner(s)

Vs

1. The State Represented By,
   The Inspector of Police,
   Central Crime Branch,
   Greater Chennai Police,
   Chennai.

2. Syed Sanaullah Bahmani @ Samiullah

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records and quash the chargesheet in CC No.10284 of 2017 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai arising out of CCB Crime No. 453 of 2009 and quash the same.

For Petitioner(s): Mr.R.Sreedhar

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

Order

This Criminal Original Petition has been filed seeking to call for the records relating to the charge sheet in C.C. No.10284 of 2017, on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, arising out of CCB Crime No.453 of 2009, and quash the same.

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2.The case of the prosecution is that the accused persons collected huge sums of money from several victims by assuring them that interest would be paid at the rate of 4% to 6% per month. Believing the said assurance, seven victims invested a total sum of Rs.67,50,000/-, out of which the second respondent invested a sum of Rs.35,00,000/-. Thereafter, the accused persons allegedly failed to pay the promised interest and also failed to repay the principal amount. The petitioner is one of the accused in C.C.No.10284 of 2017, pending on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai, arising out of CCB Crime No.453 of 2009, registered for the alleged offences under Sections 406, 420 and 34 of the IPC. Upon completion of the investigation, the first respondent police filed the final report, and the same was taken cognizance of by the trial Court.

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

4.On a perusal of the materials, this Court finds that there are specific allegations against all the accused persons. Therefore, the grounds raised by the petitioner cannot be considered at this stage and can be adjudicated only by the trial Court after appreciating the evidence adduced by the parties during trial.

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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 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.***

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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.

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 petitioner 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.10284 of 2017 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai. The petitioner is at liberty to raise all the grounds before the trial Court. Considering the age of the petitioner, the personal appearance of the petitioner is dispensed with and she shall be represented by a counsel after filing appropriate application. However, the

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petitioner 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, the 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
AH

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Inspector of Police
Central Crime Branch,
Greater Chennai Police,
Chennai.

3.The Public Prosecutor,
High Court,
Madras.

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