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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31297 of 2026

CNR:{HCMA012545302026}

and

CRL MP No. 20767 of 2026

Sathya
W/o Ravichandran,
D.No.270, 7th Cross Street,
OYO Apartments, Kamakotti Nagar,
Pallikaranai, Chennai.

..Petitioner(s)

Vs

1. The State rep. By,
   The Inspector of Police
   S10, Pallaikaranai Police Station,
   Tambaram City Police.
   Crime No.663 of 2022.
2. Monisha Sinha
   D/o Kore Sinha,
   No.A3-2H, Phase-1, Tranquil Plaza,
   Kovilambakkam, Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to call for the records pertaining to the PRC.No.33 of 2026 on the file of the learned Additional Mahila Judge(JM Level),Alandur,Chennai and quash the same against the Petitioner.

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

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ORDER

This petition has been filed to quash the proceedings in PRC No.33 of 2026 on the file of the learned Additional Mahila Judge (JM Level), Alandur,Chennai , thereby having been taken cognizance for the offences under Sections 406, 420, 354D, 376, and 506(2) IPC.

2.The case of the prosecution is that the first accused, on the pretext of marriage had a sexual relationship with the de-facto complainant and thereafter cheated her. It is further alleged that first accused, along with other accused, namely, A2 to A4 committed a gang rape and physically abused the de-facto complainant. When the de-facto complainant brought the incident to the knowledge of the petitioner/fifth accused, who is the mother of the first accused, the petitioner allegedly threatened her that she would have released the private videos into the social media and thereby ruining her life. Based on the complaint lodged by the de-facto complainant, the first respondent registered an FIR in Crime No.663 of 2022 for the offences punishable under Sections 406, 420, 354D, 376 and 506(2) of IPC. After completion of the investigation, the first respondent filed the final report and the same has been taken cognizance by the trial Court.

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3.The learned counsel appearing for the petitioner submits that even as per the case of the prosecution, there is no specific allegation against the petitioner, who is arrayed as A5, so as to constitute an offence under Section 506(i) IPC. There is absolutely no averments or materials on record to attract the offence under Section 506(i) IPC against A5.

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

5. On perusal of the impugned final report and the statements of the witnesses, it is revealed that there are specific allegations against the petitioner, which are sufficient to attract the offence under Section 506(i) of IPC. The veracity of the allegations can be determined only at the stage of trial, upon the appreciation of evidence. The grounds raised by the petitioner involve disputed questions of fact, which cannot be adjudicated at this stage.

6. Further, on a perusal of the records and upon considering the submission made by the learned Additional Public Prosecutor, this Court finds that serious allegations have been made against all the accused persons. It is alleged that they committed heinous offences against the two victims on the pretext of marriage. Therefore, merely because the petitioner is the mother of the first accused, she cannot be absolved of the allegations against her,

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particularly when she is alleged to have had knowledge of the offences committed by the other accused persons.

7.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.

8.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.

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9.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 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.

10.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.

11.In view of the above discussion, this Court is not inclined to quash the proceedings in PRC.No.33 of 2026 on the file of the learned Additional Mahila

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Judge(JM Level),Alandur,Chennai. The petitioner is at liberty to raise all the grounds before the trial Court.

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

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

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To

1. The Additional Mahila Judge(JM Level),Alandur,Chennai.

2. The Inspector of Police
   S10, Pallaikaranai Police Station,
   Tambaram City Police.
   Crime No.663 of 2022.

3. The Public Prosecutor
   High Court of Madras.

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