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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31885 of 2026
CNR:{HCMA012553022026}
AND
CRL MP NO. 21577 OF 2026

Case QR

T.Vigneshwar
S/o S.Thamaraichelvan,
Block-A, Flat S1, Pappas Brindavan,
Vaithiyalingam Nagar,
Kovilambakkam,
Tamil Nadu - 600 117.

..Petitioner(s)

Vs

1. State represented by
   The Inspector of Police
   Kelambakkam Police Station,
   Pallikaranai Range,
   Chengalpattu District,
   Crime No.183 of 2025

2. Narmadha
   D/o Arumugam,
   Residing at D-306, Advaita Blossom
   Apartment, Kelambakkam, Chengalapttu
   District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records on the file of the first respondent in P.R.C.No.17 of 2026 and quash the same against the petitioner herein.

For Petitioner(s): Mr.P.Saranath
For R1: Mr.R.Ganesh Kumar
Additional Public Prosecutor

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ORDER

This petition has been filed to quash the proceedings in P.R.C.No.17 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruporur, thereby taken cognizance for the offence under Section 69 of Bharatiya Nyaya Sanhita, 2023 (for brevity "the BNS") in Crime No.183 of 2025, as against this petitioner.

2. On the complaint lodged by the second respondent/*de facto* complainant, the first respondent registered a case in Crime No.183 of 2025 for the offence under Section 69 of the BNS alleging that in the year 2014, the petitioner/accused and the *de facto* complainant got acquainted with each other and they were also working in the same company; they fell in love and arranged for their marriage; on the pretext of marriage, in the year 2017, the accused had committed penetrative sexual assault on her and he had also compelled her to have oral sex; when the *de facto* complainant insisted for their marriage in the year 2019, the accused refused to marry her; once again, in the year 2024, the accused insisted for physical relationship and assured that he will marry her; believing the said words, once again, the *de facto* complainant had physical relationship with the accused; thereafter, the accused refused to marry her and got married to another person. Hence, the complaint. After completing the investigation, the first respondent filed final report and the same has been taken

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cognizance and it is pending for committal in P.R.C.No.17 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruporur.

3. The learned counsel appearing for the petitioner submitted that even before lodging the complaint, the accused got married to another person and in order to wreak vengeance against the accused, the present case has been foisted by the *de facto* complainant; even assuming that they had physical relationship, it was a consented sexual relationship and no offence is made out as against the accused; in fact, from 2014 onwards, the accused and the *de facto* complainant are having physical relationship; the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.183 of 2025 for the offence under Section 69 of the BNS, as against the petitioner and the same has been taken cognizance in P.R.C.No.17 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruporur. Hence, he prayed to quash the same.

4. The Additional Public Prosecutor appearing for the first respondent submitted that after completing the investigation, the first respondent filed final report and the same has been taken cognizance and it is pending for committal in P.R.C.No.17 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruporur.

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

6. On perusal of the impugned final report and the statements of the witnesses, it is revealed that the petitioner and the *de facto* complainant got acquainted with each other and only on the pretext of marriage, the accused had physical relationship with the *de facto* complainant. That apart, the accused also compelled the *de facto* complainant to have all kind of physical relationship and thereafter, he simply refused to marry her and later, once again, on false assurance and he had physical relationship with the *de facto* complainant. From the very inception, the accused, with an intention to deceive the *de facto* complainant, obtained her consent to have physical relationship. Therefore, there are specific allegations as against the petitioner, which are sufficient to attract the offence under Sections 69 of the BNS. The veracity of the allegations can be determined only at the stage of trial, upon the appreciation of evidence. The grounds raised by the petitioners involve disputed questions of fact, which cannot be adjudicated at this stage.

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

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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.

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

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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, at this stage, this Court is not inclined to render any finding as to whether the initiation of the criminal proceedings was actuated by malice or was otherwise malicious. Such an issue would necessarily require consideration of the relevant facts and circumstances, which can be appropriately examined only at the conclusion of the trial. Consequently, the grounds 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 P.R.C.No.17 of 2026 on the file of the District Munsif-cum-Judicial Magistrate Court, Thiruporur. The petitioner is at liberty to raise all the grounds 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 copy of this order.

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12. Accordingly, the criminal original petition stands dismissed. Connected Crl.M.P. is closed.

11-11-2026

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

nsd

To

1. The District Munsif-cum-Judicial Magistrate,
   Thiruporur.

2. The Inspector of Police
   Kelambakkam Police Station,
   Pallikaranai Range,
   Chengalpattu District.

3. The Public Prosecutor,
   Madras High Court, Chennai.

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G.K.ILANTHIRAIYAN J.

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