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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. 31561 of 2026

CNR:{HCMA012583452026}

and

CRL MP Nos. 20891 and 20892 of 2026

1. Mubarislal
   S/o Beerankutty,
   M.B.H. House,
   Malangadan,
   Thachunni,
   Karakunnu,
   Malappuram District,
   Kerala.
2. Suneera
   W/o Yunus Saleem Konari,
   Konari House,
   Thailakkadavu Post,
   Velimukku,
   Malappuram District,
   Kerala.

3. Fairoosa
   W/o Ibrahim,
   Ibrahim Manzil House,
   Poollottur,
   Malappuram District, Kerala.

4. Sini
   W/o Kethan,
   5/1489, Melambalam,
   Srimadurai,
   Gudalur,
   The Nilgiris District.

..Petitioner(s)

Vs

1. The State rep by the Deputy Superintendent of
   Police

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Gudalur Sub Division,
Gudalur,
The Nilgiris District.

2. Sub-Inspector of Police
Gudalur Police Station,
Gudalur, Nilgiris.

3. A.B. Bama
W/o Prakash,
Case Worker,
Child Help Line,
District Child Protection Office,
Udhagamandalam,
The Nilgiris District.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records in Spl SC No. 1 of 2025 pending on the file Learned Principal Sessions Judge, Udhagamandalam, Nilgiris and quash the same.

For Petitioner(s): M.Velmurugan

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

ORDER

This petition has been filed to quash the proceedings in Spl SC No. 1 of 2025 pending on the file Learned Principal Sessions Judge, Udhagamandalam, Nilgiris, thereby taken cognizance for the offences under Sections 3(1)(h) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 370(5) IPC, and Sections 370(4) read with 109 IPC.

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2. The case of the prosecution is that the 3rd respondent/de-facto complainant, a Case Worker of the Child Help Line attached to the District Child Protection Office, Udhagamandalam, lodged a complaint on 15.06.2024 after enquiring into the matter and speaking to certain minor girls. It is alleged that the 5th accused, a resident of Melambalam, Gudalor, took one girl, then aged 17 (LW19), from Guadlur to the house of the 1st accused (Shamseer Konari) in Kerala, where she is said to have worked as a domestic worker for about three to four months on a low salary. The prosecution further alleges that on 29.05.2024, the 2nd accused (Mubarislal) said to be a relative of the 1st accused, visited the 1st accused house, saw L.W.19 working there and asked whether girls were available to work in his own house, and that LW19 replied that girls like her were in her village.

2.1.It is further alleged that on 15.06.2024, at about 4.00 p.m., Accused 2 to 4 (Mubarislal, Suneera and Fairoosa) came from Keala to Koodalur in Innova car bearing Registration No.KL 11 BJ 5551 and, “with sweet words” and by compulsion, put three minor girls (LW20 to LW22) into the car and attempted to take them to Kerala. Two of the girls were said to be playing at Melambalam and one was said to be standing outside her house at Chemundi. Local persons (LW2 and LW5 to LW7) are said to have taken the girls and the accused to the Gudalur Police Station on the same day. After completion of the investigation, the 2nd respondent police filed a final report and the same was taken cognizance

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by the trial Court.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are home-makers and having nothing to do with the offences alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.182 of 2024 for the offences under Sections 3(1)(h) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 370(5) IPC, and Sections 370(4) read with 109 IPC as against the petitioners and the same has been taken cognizance in Special S.C No.1 of 2025 on the file of the Principle Sessions Judge, Udhagamandalam, Nilgiris. Further, no offence is made out under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act as against the petitioners. Hence he prayed to quash the same.

4.Heard the learned Counsel appearing on either side and perused the materials placed 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 petitioners, which are sufficient to attract the offences under Sections Sections 3(1)(h) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 370(5) IPC, and Sections 370(4) read with 109 IPC. The veracity

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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.

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 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.

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 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

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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.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.

9.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.

10.In view of the above discussion, this Court is not inclined to quash the proceedings in Spl SC No. 1 of 2025 pending on the file Learned Principal

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Sessions Judge, Udhagamandalam, Nilgiris. The petitioners are at liberty to raise all the grounds before the trial Court. The personal appearance of the petitioners is dispensed with and they shall be represented by a counsel after filing appropriate application. However, the petitioners 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.

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

29-10-2026

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

Uma
To

1. The Principal Sessions Judge,
   Udhagamandalam, Nilgiris.
2. The Deputy Superintendent of Police
   Gudalur Sub Division,
   Gudalur,
   The Nilgiris District.
3. Sub-Inspector of Police
   Gudalur Police Station,
   Gudalur, Nilgiris.

4. The Public Prosecutor
   High Court of Madras.

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