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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

Case QR

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32929 of 2026
and
Crl.M.P.Nos.21650 and 21652 of 2026

CNR: {HCMA012601612026}

M.Venkatesh Prabhu
S/o Murugesan,
128, Brundhavan Nagar,
Civil Aerodrome,
Citra,
Coimbatore.

..Petitioner(s)

Vs

1. The State rep by the Inspector of Police
   District Crime Branch,
   Coimbatore,
   Crime No. 21 of 2021
2. Maharoof
   S/o Ismail,
   Sainabi Illam,
   Kurichiyil,
   Thalacheri,
   Kannur District.

..Respondent(s)

Prayer: This petition is filed under section 528 of BNS to call for the records in CC.No.4187 of 2025 on the file of learned Judicial Magistrate Court No.VI, Coimbatore and to quash the same and pass such or other orders.

For Petitioner(s): Mr. A.Tamilarasan

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 CC.No.4187 of 2025 on the file of the Judicial Magistrate Court No.VI, Coimbatore thereby taken cognizance for the offences under Sections 147,148,294(b), 506(ii),406.420,419,489-B,489-C and 120-B of the IPC and Section 25(1A) of the Arms Act, 1959.

2. The case of the prosecution is that the petitioners assured the defacto complainant that they will supply a rare object known as “Rice Pulling” and allegedly received a sum of Rs.26,00,000/- from the defacto complainant. Thereafter, failed to return the said amount. Hence, the defacto complainant lodged a complaint against the petitioners and the same was registered in Crime No.. 21 of 2021 under Sections 147,148,294(b), 506(ii),406.420,419,489-B,489-C and 120-B of the IPC. After investigation final report was filed before the Judicial Magistrate Court No.VI, Coimbatore and the same was taken cognizance in CC.No.4187 of 2025.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police

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registered a case in Crime No.21 of 2021 for the offences under Sections 147,148,294(b), 506(ii),406.420,419,489-B,489-C and 120-B of the IPC., as against the petitioner and the same has been taken cognizance in C.C.No.4187 of 2025. on the file of the . Judicial Magistrate Court No.VI, Coimbatore. Hence he prayed to quash the same.

4. The learned Government Advocate (Crl. Side) would submit that the trial has been commenced and some of the witnesses have been examined in this case.

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 there are specific allegations against the petitioners, which are sufficient to attract the offences under Sections 147,148,294(b), 506(ii),406.420,419,489-B,489-C and 120-B of the 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 petitioners involve disputed questions of fact, which cannot be adjudicated at this stage.

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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.

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.***

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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.

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 petitioners 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 C.C.No.4187 of 2025 on the file of the learned Judicial Magistrate No.VI, Coimbatore. The petitioners are at liberty to raise all the

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grounds before the trial Court. The personal appearance of the petitioners are dispensed with and they shall be represented by a counsel after filing appropriate application. However, the 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.

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

12-11-2026

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

SMN
To.

1. The Judicial Magistrate Court No.VI, Coimbatore

2. The Inspector of Police
District Crime Branch,
Coimbatore,

3.The Public Prosecutor,
High Court, Madras

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G.K.ILANTHIRAIYAN, J.

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