WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 34724 of 2026

CNR:{HCMA012719322026}

Case QR

Rakesh
S/o Raju,
210C, Kallangkuthu,
Thenur, Perambalur,
Tamil Nadu.

..Petitioner(s)

Vs

1. State represented by,
   The Station House Officer
   Odiansalai Police Station,
   Puducherry.
   Crime No. 122 of 2026

2. Sneha
   D/o Pitchai,
   2/109, Pillaiyarpatti,
   Sirukoodal Patti,
   Sivaganga District.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records connected with the charge sheet in P.R.C.No.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry and quash the same.

For Petitioner(s): Mr.A.Anandharaj

https://www.mhc.tn.gov.in/judis

WEB COPY

For R1: Mrs.G.Djearany
Government Advocate (Crl.Side) (Puducherry)

ORDER

This criminal original petition has been filed to quash the proceedings in P.R.C.No.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry.

2. Though this petition has been filed seeking to quash the proceedings on the basis of the compromise, supported by a joint memo of compromise entered into between the petitioner/accused and the second respondent/*de facto* complainant, the *de facto* complainant appeared before this Court today and stated that she objects to quash the proceedings under compromise. She further submitted that her signature in the joint memo of compromise was obtained by the petitioner by force and that she is not willing to compromise the matter.

3. The case of the prosecution is that the petitioner had allegedly committed sexual intercourse with the *de facto* complainant at Room No.304, Lotus Bay View Hotel, Puducherry, between 23.00 hours on 02.06.2026 and 5.00 hours on 03.06.2026, after allegedly administering intoxicating liquor and threatening her with dire consequences. Thereafter, on the complaint lodged by

https://www.mhc.tn.gov.in/judis

WEB COPY

the *de facto* complainant, the first respondent registered a case in Crime No.122 of 2026 for the offences punishable under Sections 69 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity "the BNS") @ 64(1) and 351(2) of the BNS. 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.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry.

4. The learned counsel appearing for the petitioner/accused submitted that 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.122 of 2026 for the offences punishable under Sections 69 and 351(2) of the BNS @ 64(1) and 351(2) of the BNS, as against the petitioner and the same has been taken cognizance in P.R.C.No.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry. Hence, he prayed to quash the same.

5. The learned Government Advocate (Crl.Side) (Puducherry) 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.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

7. On perusal of the impugned final report and the statements of the witnesses, it is revealed that there are serious and specific allegations as against the petitioner, which are sufficient to attract the offences under Sections 69 and 351(2) of the BNS @ 64(1) and 351(2) 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.

8. 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

https://www.mhc.tn.gov.in/judis

WEB COPY

been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. 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.

10. 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

https://www.mhc.tn.gov.in/judis

WEB COPY

law would arise only at a later stage *i.e.*, during trial.

11. 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.

12. In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.244 of 2026 on the file of the Judicial Magistrate Court No.II, Puducherry. The petitioner is at liberty to raise all the grounds before the trial Court. The trial Court shall complete the committal proceedings in P.R.C.No.244 of 2026 within a period of two weeks from today. Thereafter, the trial Court shall complete the trial within a period of six months from the date of the first appearance of the accused.

12. Accordingly, the criminal original petition stands dismissed.

25-11-2026

Index: Yes/No
Speaking/Non-speaking order

https://www.mhc.tn.gov.in/judis

WEB COPY

Neutral Citation: Yes/No
nsd

Note: Issue copy of this order today (25.11.2026).

To

1. The Judicial Magistrate No.II, Puducherry.

2. The Station House Officer
   Odiansalai Police Station,
   Puducherry.

3. The Public Prosecution (Puducherry)
   Madras High Court, Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

nsd

CRL OP No. 34724 of 2026

25-11-2026

https://www.mhc.tn.gov.in/judis