WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32057 of 2026

CNR:{HCMA012581282026}

AND CRL MP NO. 21122 OF 2026

Case QR

Shankar @ Savukku Shankar
S/o Late Achimuthu,
No.1417, 12th Floor,
TVS Emerald Light House,
200 Feet Radial Road,
Iswarya Nagar,
Pallavaram, Chennai.

..Petitioner(s)

Vs

1. The State Represented By,
   The Inspector of Police,
   S-8, Adambakkam Police Station,
   Chennai.
   Crime No. 377 of 2025

2. Mahesh
   S/o Purushothaman,
   No.9, Ganesh Nagar, 1st Street,
   Adamabkkam,
   Chennai.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records culminating in the impugned charge sheet in PRC No. 39 of 2026, on the file of the learned Judicial magistrate No. II, Alandur and quash the same.

For Petitioner(s): Mr.P.Rajkumar Pandian

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

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

WEB COPY

Order QR

Order

This criminal original petition has been filed seeking to quash the proceedings in P.R.C.No.39 of 2026 pending on the file of the learned Judicial Magistrate No.II, Alandur.

2.The case of the prosecution is that on 24.06.2025 and 25.06.2025, the petitioner published interviews and videos on his YouTube channel, namely, Savukku Media, containing allegedly derogatory statements concerning a film titled Red and Follow. In the said videos, the petitioner allegedly stated that the film had been produced using money derived from narcotic drugs by one Ajay Vandaiyar, who had acted in the film. Aggrieved by the publication, the second respondent, who is the producer of the film, contacted the petitioner over the phone and requested him to remove the videos. During the conversation, the petitioner allegedly demanded a sum of Rs.10,00,000/-. Subsequently, on 01.07.2025, the second respondent, accompanied by another producer, visited the petitioner's office carrying a sum of Rs.1,00,000/-. It is further alleged that the petitioner forcibly snatched the said amount and assaulted and verbally abused the second respondent. Based on the complaint, an FIR in Crime No.377 of 2025 was registered and, upon completion of the investigation, the respondent police filed a final report for the offences under Sections 61(2), 109(1), 126(2), 191(2), 296(b), 310(2), 317(3), 353(1)(b) and 351(3) r/w. 49 of

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

Order QR

WEB COPY

BNS, and the same was taken cognizance in P.R.C.No.39 of 2026. Seeking to quash the same, the present petition has been filed.

3.The learned counsel for the petitioner submitted that no such occurrence had taken place and that there were material contradictions in the statements of the witnesses. It was further contended that the allegations in the final report, even if taken at face value, did not constitute the essential ingredients of the offences alleged against the petitioner. The petitioner also alleged that the criminal proceedings were initiated with mala fide intentions to harass him and suppress his journalistic activities.

4.Heard the learned counsel 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 petitioners, which are sufficient to attract the offences under Sections 61(2), 109(1), 126(2), 191(2), 296(b), 310(2), 317(3), 353(1)(b) and 351(3) r/w. 49 of 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.

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

Order QR

WEB COPY

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 Bharatiya Nagarik Suraksha Sanhita, 2023.

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

WEB COPY

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 petitioner to quash the final report/charge sheet cannot be entertained.

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

Order QR

WEB COPY

10.In view of the above discussion, this Court is not inclined to quash the proceedings in P.R.C.No.39 of 2026 on the file of the learned Judicial Magistrate No.II, Alandur. 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. Accordingly, this criminal original petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

04-11-2026

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

To

1.The Judicial Magistrate No.II,
Alandur.

2.The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.

3.The Public Prosecutor,
High Court,
Madras.

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)

WEB COPY

G.K.ILANTHIRAIYAN J.

AH

CRL OP No. 32057 of 2026
AND
CRL MP NO. 21122 OF 2026

04-11-2026

https://www.mhc.tn.gov.in/judis (Uploaded on: 13/11/2026 04:18:19 pm)