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CRL MP Nos. 8194 & 13200 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

**CRL MP Nos. 8194 & 13200 of 2025
in CRL OP Nos.8858 & 6888 of 2025**

CRL MP No. 8194 of 2025

M.G.Ramachandran
S/o.Gajendran,
Residing at New No.114, Old No.116,
Singanna Street, Chintadripet,
Chennai - 600 002.

..Petitioner/
Defacto Complainant

Vs

1.The State rep by
The Inspector of Police,
Central Crime Branch, Salem City, Salem District.
Crime No.1 of 2025

2.R.Munirathinam
S/o.Rajagopal, D.No.199, Thindalanoor Village,
Kadathur Post,
Pappireddipatty Taluk, Dharmapuri - 635 303.

..Respondent(s)

Crl.MP.No.13200 of 2025

M.G.Ramachandran
S/o.Gajendran,
Residing at new No.114, Old No.116,
Singanna Street, Chintadripet, Chennai - 600 002.

..Petitioner/
Defacto complainant

Vs



CRL MP Nos. 8194 & 13200 of 2025

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1. The State Rep. by
The Inspector of Police,
Central Crime Branch, Salem City,
Salem District. (Crime No.1 of 2025)

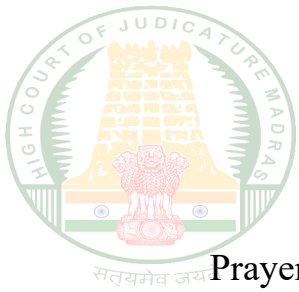
2.Poovizhi,
W/o.R.Munirathinam,
D.No.199, Thindalanoor Village,
Kadathur Post, Pappireddipatty Taluk,
Dharmapuri - 635 303.

3.M.Raja
S/o.Mani,
D.No.313, Joliputhur Village,
Regadhalli Post, Pappireddipatti Taluk,
Dharmapuri District - 635 301.

4.K.Pannerselvam
S/o.Krishnan,
Plot No.19, Prakash Nagar II Street,
Thirunindravur, Thirunindravur R.S
Thiruvallur-602024.

5.S.Kamarajan
S/o.Sendrayagounder
D.No.1, Sendrayagounder Street,
Thindalanoor Village, Kadathur Post,
Pappireddipatti Taluk,
Dharmapuri - 635303.

..Respondent(s)



CRL MP Nos. 8194 & 13200 of 2025

Prayer in **CRL MP No. 8194 of 2025**: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to modify the order in so far as the remarks observed in Crl.OP.8858 of 2025 dated 26.03.2025 (Bail Application in respect of A1) in Para No.6,7,8 and 13 as against the Petitioner/Defacto Complainant.

Prayer in **CRL MP No. 13200 of 2025**: Criminal Miscellaneous Petition filed under Section 528 of BNSS, to modify the order in so far as the remarks observed in Crl.O.P.No.6888 of 2025 dated 20.03.2025 (Anticipatory bail application in respect of A2 to A5) in para No.6 and 7.

CRL MP No. 8194 of 2025

For Petitioner(s): Mr. N.R. Elango, Senior Counsel
For Mr.R.Raghul

For Respondent(s): Mr. A. Amarnath,
Counsel For Government Of Tamil Nadu
(Criminal Side) For R1
Mr.D Sivakumaran (for R2)

CRL MP No. 13200 of 2025

For Petitioner(s): Mr. N.R. Elango, Senior Counsel
For Mr.R.Raghul

For Respondent(s): Mr. A. Amarnath,
Counsel For Government Of Tamil Nadu
(Criminal Side) For R1
M/s D Sivakumaran (for R2 to R5)

Common Order

This Court had granted anticipatory bail to A2 to A5 in Crl.OP.No.6888 of 2025 vide order dated 20.03.2025 and bail to A1 in Crl.OP.No.8858 of 2025 vide order dated 26.03.2025. The defacto



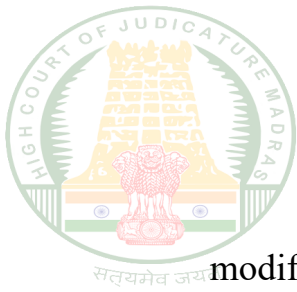
CRL MP Nos. 8194 & 13200 of 2025

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complainant in both the Criminal Original Petitions has filed Crl.MP.Nos.13200 and 8194 of 2025, seeking modification in the above orders, as according to him there are certain factual errors.

2. Mr.N.R.Elango, learned senior counsel for the petitioner/defacto complainant would submit that though the prayer is for modification of all the observations, the observation at paragraph 7 that the arbitration proceedings initiated at the instance of the defacto complainant was suppressed, may not be correct; that the arbitration proceedings were initiated by the father and brother of the defacto complainant; and that the defacto complainant was not a party in the arbitration proceedings. He would also submit that an observation may be made, that the observations made in the two orders should not influence the trial Court in the pending proceedings. Consequently, he would also request this Court to modify the direction in Crl.OP.No.8858 of 2025, to pay cost of Rs.2,50,000/- to the District Legal Services Authority, Salem.

3. The learned counsel for the private respondents/accused, however, would submit that none of the observations in the orders require



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modification and that though the defacto complainant was not a party in the arbitration proceedings, his brother and father have initiated the arbitration proceedings and therefore, the defacto complainant was aware of the said fact. He would further submit that there are records to show that the defacto complainant is aware of the arbitration proceedings and he actively participated in the proceedings before the Arbitrator. The learned counsel would further fairly concede that this Court may pass any orders as regards the cost imposed.

4. This Court finds no reason to modify any of the observations except for stating that the Arbitration proceedings was initiated by the brother and father of the defacto complainant. The relevant observations in both the orders i.e, at paragraphs 3(ii) and 7, has to be modified, accordingly.

5. This Court is also inclined to add that the trial Court shall decide the proceedings before it, without being influenced by any of the observations made in the above two orders.



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6. Considering the request made by the learned senior counsel and also considering the fact that payment of cost may prejudice the right of the defacto complainant in any proceedings, this Court is inclined to delete the said condition. Accordingly, the condition at paragraph 13 of the order dated 26.03.2025 made in Crl.OP.No.8858 of 2025, to pay cost of Rs.2,50,000/- to the District Legal Services Authority, Salem, is deleted.

7 (i) For the purpose of clarity, this Court makes it clear that paragraphs 3(ii) and 7 in the order made in Crl.OP.No.8858 of 2025 dated 26.03.2025, shall read as follows:

“3 (ii). The learned counsel further submitted that the petitioner and third accused had issued cheques to the defacto complainant and 16 cases were compounded in respect of a portion of the admitted loan of Rs.1.36 Crores; that in respect of six cases for a claim of Rs.28,68,00,000/- the trial is pending; that a civil suit was filed by the other accused against the defacto complainant and others for permanent injunction restraining the defacto complainant and others from entering in the property in which the petitioner is running the school; and that an arbitration proceeding was initiated and an award was passed on



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27.04.2023 in respect of the same transaction and the claim made by the defacto complainant's brother and father, was dismissed by the arbitrator.

....

7. Be that as it may, the defacto complainant has also suppressed the fact that an arbitration award in V.P.No.1 of 2020 in O.P.No.79 of 2020 was passed on 27.04.2023 by the Arbitrator appointed by this Court, dismissing the claim petition of the defacto complainant's brother and father, as the defacto complainant cannot claim ignorance of the said award, as could be seen from the records. The claim before the Arbitrator is exactly the same as the averments made in the FIR. Further, the fact that a suit has been filed by the petitioner in OS No.38 of 2024 on the file of the District Munsif Court, Pappireddipatti, for a permanent injunction restraining the defacto complainant and other from interfering in the peaceful possession of the suit schedule properties and from interfering in the affairs of the Trust, has also been suppressed.”

(ii) Further, **paragraph 13 in the abovesaid order is deleted** and the following paragraph, shall be added at the end of the order.

“It is made clear that the trial Court shall decide the case without being influenced by any of the observations made in this order.”



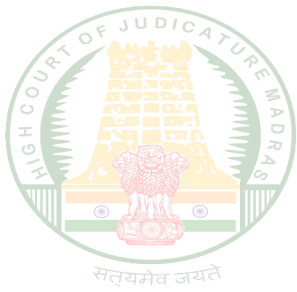
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8. (i) Similarly, paragraphs 3(ii) and 7 in the order made in Crl.OP.No.6888 of 2025 dated 20.03.2025, shall read as follows:

“3 (ii). The learned counsel further submitted that the first and third accused had issued cheques to the defacto complainant and 16 cases were compounded in respect of a portion of the admitted loan of Rs.1.36 Crores; that in respect of six cases for a claim of Rs.28,68,00,000/- the trial is pending; that a civil suit was filed by the petitioners against the defacto complainant and others for permanent injunction restraining the defacto complainant and others from entering in the property in which the first accused is running the school; and that an arbitration proceeding was initiated and an award was passed on 27.04.2023 in respect of the same transaction and the claim made by the defacto complainant’s brother and father, was dismissed by the arbitrator.

....

7. Be that as it may, the defacto complainant has also suppressed the fact that an arbitration award in V.P.No.1 of 2020 in O.P.No.79 of 2020 was passed on 27.04.2023 by the Arbitrator appointed by this Court, dismissing the claim petition of the defacto complainant’s brother and father, as the defacto complainant cannot claim ignorance of the said award, as could be seen from the records. The claim before the Arbitrator is exactly the same as the averments made in



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the FIR. Further, the fact that a suit has been filed by the petitioner in OS No.38 of 2024 on the file of the District Munsif Court, Pappireddipatti, for a permanent injunction restraining the defacto complainant and other from interfering in the peaceful possession of the suit schedule properties and from interfering in the affairs of the Trust, has also been suppressed. It is very strange that the first respondent has also entertained and registered the complaint with regard to a commercial dispute relating to the transactions that took place in the years 2018 and 2019, without verifying these facts. The defacto complainant and the first respondent have clearly abused the process of law, which cannot be countenanced. The first respondent's claim that they were unaware of the various proceedings and the orders cannot be accepted. The entire exercise has been done to arm twist the petitioners. In any case, this Court is of the view that custodial interrogation of the petitioners is not required and is inclined to grant anticipatory bail on certain conditions.”

(ii) Further, the following paragraph, shall be added at the end of the order.

“It is made clear that the trial Court shall decide the case without being influenced by any of the observations made in this order.”



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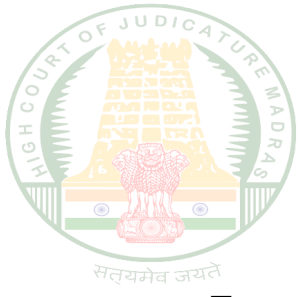
9. Registry is directed to make necessary modifications, as stated in paragraphs 7 and 8 of this order and issue fresh orders, forthwith. All other observations in the orders in Crl.OP.No.6888 of 2025 dated 20.03.2025 and Crl.OP.No.8858 of 2025 dated 26.03.2025 shall remain intact.

10. The Criminal Miscellaneous Petitions are ordered, in the above terms.

24-07-2026

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

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To

1. The Inspector of Police,
Central Crime Branch, Salem City,
Salem District.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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**CRL MP Nos. 8194 & 13200 of 2025
in
CRL OP Nos.6888 & 8858 of 2025**

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