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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
29.06.2021	05.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. O.P. NOS. 3574, 4802, 4280, 7749, 4914, 4978, 7747,
7748, 4976, 4886, 4906, 4283, 4800, 4801, 3575, 4918, 4285,
4977, 4284, 4281, 4799, 4282, 8467 OF 2018 AND CRL. O.P.
NO.97 OF 2019

AND

CRL. M.P. NOS.3997, 2009, 2437, 2440, 3996, 3994, 2379,
2431, 2010
TO 2018, 4391, 2374 TO 2378, 2480 TO 2482, 3995, 1583,
2008, 2443, 2373,
1585, 2372, 2007, 1584, 1586 OF 2018 & 61, 11947 & 11948
OF 2019

W.P. NO. 13120 OF 2017

W.M.P. NO. 14020 TO 14022 OF 2017

V.ANBAZHAGAN

..PETITIONER IN ALL CRL.O.PS

MRS.A. KRISHNAVENI

..PETITIONER IN W.P. NO. 13120/2017

Vs.

1 THE STATE REP BY
THE INSPECTOR OF POLICE B4 UKKADAM POLICE
STATION COIMBATORE. CR.NO.319 OF 2017.

2 G.SARAVANAKUMAR
...RESPONDENT in CRL OP No.3574 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE S13 CHROMPET
POLICE STATION CHENNAI. CR.NO.602 OF 2017

2 SIVAKUMAR ...RESPONDENT in CRL OP No.4802 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE AVADI POLICE
STATION CHENNAI. CR.NO.792 OF 2017.

2 G.GANESHA MOORTHY
...RESPONDENT in CRL OP No.4280 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE POONAMALLEE POLICE
STATION CHENNAI. CR.NO.636 OF 2017



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2 THAMARAI SELVAN ... RESPONDENT in CRL OP No.7749 of 2018

1 THE INSPECTOR OF POLICE
THUDIYALUR POLICE STATION COIMBATORE
DISTRICT CR.NO.254 OF 2017.

2 R.THIRUMOORTHY ...RESPONDENT in CRL OP No.4978 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE PERIAMET POLICE
STATION COIMBATORE. CR.NO.745 OF 2017.

2 SARAVANA MOORTHY ... RESPONDENT in CRL OP No.7747 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE ALANDURAI POLICE
STATION COIMBATORE. CR.NO.43 OF 2017

2 PARTHIPAN ...RESPONDENT in CRL OP No.7748 of 2018

1 THE INSPECTOR OF POLICE
KUNIAMUTHUR POLICE STATION
COIMBATORE DISTRICT
CRIME.NO.284 OF 2017.

2 KUMAR ... RESPONDENT in CRL OP No.4976 of 2018

1 THE INSPECTOR OF POLICE
MADURAVOYAL POLICE STATION
CHENNAI-95
CRIME.NO.757 OF 2017.

2 S.MURUGAN ...RESPONDENT in CRL OP No.4886 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE
THUDIYALUR POLICE STATION
COIMBATORE DISTRICT.
CR.NO.253 OF 2017

2 UTHAMAN ...RESPONDENT in CRL OP No.4906 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE
THIRUVERKADU POLICE STATION
CHENNAI-17
(CRIME NO.748 OF 2017)



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2 K. RATHINASAMY ...RESPONDENT in CRL OP No.4914 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE
AVADI POLICE STATION
CHENNAI. (CRIME NO.790 OF 2017)

2 S.SENTHIL KUMAR SHEZIYAN
... RESPONDENT in CRL OP No.4283 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE
S13-CHROMPET POLICE STATION CHENNAI.
CR.NO.603 OF 2017

2 KARUPPAIAH RAJA ... RESPONDENT in CRL OP No.4800 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE S11 TAMBARAM
POLICE STATION CHENNAI-600 045.
(CRIME.NO.820 OF 2017)

2 MATHIVANNAN ... RESPONDENT in CRL OP No.4801 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE
B4 UKKADAM POLICE STATION
COIMBATORE. CR.NO.318 OF 2017.

2 S.P.RAVIKANNAN ... RESPONDENT in CRL OP No.3575 of 2018

1 THE INSPECTOR OF POLICE
TAMBARAM POLICE STATION
CHENNAI-45 (CR.NO.838 OF 2017)

2 MATHIVANAN ...RESPONDENT in CRL OP No.4918 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE AVADI POLICE
STATION CHENNAI. CR.NO.794 OF 2017.

2 SRINIVASAN ... RESPONDENT in CRL OP No.4285 of 2018

1 THE INSPECTOR OF POLICE
SAIBABA COLONY POLICE STATION COIMBATORE
DISTRICT CR.NO.303 OF 2017.



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2 SATHYA MOORTHY ...RESPONDENT in CRL OP No.4977 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE AVADI POLICE
STATION CHENNAI. CR.NO.793 OF 2017.

2 MUJIPUR RAHUMAN ... RESPONDENT in CRL OP No.4284 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE AVADI POLICE
STATION CHENNAI. CR.NO.795 OF 2017.

2 S.KUMAR ...RESPONDENT in CRL OP No.4281 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE S11 TAMBARAM
POLICE STATION CHENNAI. CR.NO.847 OF 2017

2 RAJENDRAN ... RESPONDENT in CRL OP No.4799 of 2018

1 THE STATE REP BY
THE INSPECTOR OF POLICE AVADI POLICE
STATION CHENNAI. CR.NO.791 OF 2017.

2 V.MARAN ...RESPONDENT in CRL OP No.4282 of 2018

1 THE STATE REP BY ITS
THE INSPECTOR OF POLICE SELAIYUR POLICE
STATION CHENNAI CR.NO.825 OF 2017.

2 K.RAJENDREN ... RESPONDENT in CRL OP No.8467 of 2018

1 THE STATE REP. BY
THE INSPECTOR OF POLICE
B2 R.S.PURAM POLICE STATION
COIMBATORE. (CR.NO.1379/2018)

2 GANESHAN ... RESPONDENT in CRL OP No.97 of 2019

1.THE SECRETARY
GOVERNMENT OF TAMIL NADU
HOME DEPARTMENT
FORT. ST. GEORGE
CHENNAI 600 009.

2.THE CHIEF SECRETARY
GOVERNMENT OF TAMIL NADU
FORT. ST. GEORGE
CHENNAI 600 009.



3. THE DIRECTOR GENERAL OF POLICE
GOVERNMENT OF TAMIL NADU
DR. RADHAKRISHNAN SALAI
MYLAPORE, CHENNAI 600 004.

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4. THE COMMISSIONER OF POLICE
GREATER CHENNAI
OFFICE OF THE COMMISSIONER OF POLICE
POONAMALLEE HIGH ROAD, VEPERY, CHENNAI
5. THE JOINT COMMISSIONER OF POLICE
SOUTH ZONE, GREATER CHENNAI POLICE DISTRICT
ST. THOMAS MOUNT, CHENNAI 600 015.
6. THE COMMISSIONER OF POLICE
COIMBATORE CITY POLICE, COIMBATORE
7. THE INSPECTOR OF POLICE
POONAMALLEE POLICE STATION
POONAMALLEE
CHENNAI 600 056
8. THE INSPECTOR OF POLICE
TAMBARAM POLICE STATION
CHENNAI-600 045.
9. THE INSPECTOR OF POLICE
AVADI POLICE STATION , AVADI
CHENNAI 600 071
10. THE INSPECTOR OF POLICE
CHROMPET POLICE STATION
CHROMPET CHENNAI 600 044
11. THE INSPECTOR OF POLICE
THIRUVERKADU POLICE STATION
THIRUVERKADU CHENNAI 600 077
12. THE INSPECTOR OF POLICE
ALANDURAI POLICE STATION
ALANDURAI CIRCLE COIMBATORE DISTRICT
13. THE INSPECTOR OF POLICE
B4 UKKADAM POLICE STATION
COIMBATORE DISTRICT
14. THE INSPECTOR OF POLICE
SAI BABA COLONY POLICE STATION
COIMBATORE CITY



15. THE INSPECTOR OF POLICE
KUNNIYAMUTHUR POLICE STATION
COIMBATORE DISTRICT

16. THE INSPECTOR OF POLICE
THUDIYALUR POLICE STATION
COIMBATORE DISTRICT

17. THE INSPECTOR OF POLICE
R.S.PURAM POLICE STATION
COIMBATORE DISTRICT

18. THE INSPECTOR OF POLICE
SARAVANAMPATTI POLICE STATION
COIMBATORE DISTRICT ..RESPONDENTS 1 TO 18 IN W.P. 13120/2017

CRL OP No.3574 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the charge sheet (final report) filed by the 1st Respondent in C.C.No.391 of 2017 on the file of the Learned Judicial Magistrate Court No.V, Coimbatore and quash the same.

CRL OP No.4802 and 4280 of 2018:

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (Final Report) filed by the 1st Respondent in C.C.No.254, 350 of 2017 on the file of the Judicial Magistrate No.II, Poonamallee respectively and Judicial Magistrate Court, Tambaram quash the same.

CRL OP No.7749 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the charge sheet (final report) filed by the 1st respondent in CC No.376 of 2017 on the file of the learned Judicial Magistrate Court No.II, Poonamallee and quash the same

CRL OP No.4978 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the F.I.R. in Crime No.254 of 2017 dated 28/04/2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.7747 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the F.I.R.in Crime No.745 of 2017 dated 12.05.2017 on the file of the 1st Respondent herein and quash the same.



CRL OP No.7748 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.43 of 2017 dated 25.04.2017 on the file of the 1st respondent herein and quash the same

CRL OP No.4976 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.284 of 2017 dated 28/04/2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.4886 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the F.I.R in Crime No.757 of 2017 dated 27/04/2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.4906 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.253 of 2017 dated 28.04.2017 on the file of the 1st respondent herein and quash the same.

Crl.O.P. No. 4914 of 2018:

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.748 of 2017 dated 27.04.2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.4283 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (final report) filed by the 1st Respondent in C.C.No.348 of 2017 on the file of the Learned Judicial Magistrate Court No.II, Poonamallee and quash the same.

CRL OP No.4800 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (Final Report) filed by the 1st Respondent in C.C.No.254 of 2017 on the file of the Learned Judicial Magistrate Court, Tambaram and quash the same

CRL OP No.4801 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (Final Report) filed by the 1st Respondent in C.C.No.128 of 2017



on the file of the Learned Judicial Magistrate Court, Tambaram and quash the same

CRL OP No.3575 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the charge sheet (final report) filed by the 1st Respondent in C.C.No.390 of 2017 on the file of the Learned Judicial Magistrate Court No.V, Coimbatore and quash the same.

CRL OP No.4918 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.838 of 2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.4285 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (final report) filed by the 1st Respondent in C.C.No.352 of 2017 on the file of the Learned Judicial Magistrate Court No.II, Poonamallee and quash the same.

CRL OP No.4977 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Crime No.303 of 2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.4284 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (final report) filed by the 1st Respondent in C.C.No.351 of 2017 on the file of the Learned Judicial Magistrate Court No.II, Poonamallee and quash the same.

CRL OP No.4281 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (final report) filed by the 1st Respondent in C.C.No.353 of 2017 on the file of the Learned Judicial Magistrate Court No.II, Poonamallee and quash the same.

CRL OP No.4799 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (Final Report) filed by the 1st Respondent in C.C.No.171 of 2017 on the file of the Learned Judicial Magistrate Court, Tambaram and quash the same



CRL OP No.4282 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the Charge Sheet (final report) filed by the 1st Respondent in C.C.No.349 of 2017 on the file of the Learned Judicial Magistrate Court No.II, Poonamallee and quash the same.

CRL OP No.8467 of 2018

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records to the FIR in Crime No.825 of 2017 dated 09.05.2017 on the file of the 1st respondent herein and quash the same.

CRL OP No.97 of 2019

This Petition filed under Section 482 of Cr.P.C. Praying this Court to call for the records relating to the FIR in Cr.No.1379 of 2018 on the file of the 1st respondent herein and quash the same.

W.P. No. 13120 of 2017:

This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the respondents to transfer all the cases registered against the petitioners husband V.Anbazhagan in Crime Nos.636 of 2017; 748 of 2017; 790 of 2017; 791 of 2017; 792 of 2017; 793 of 2017; 794 of 2017; 795 of 2017; 602 of 2017; 603 of 2017; 820 of 2017; 838 of 2017; 847 of 2017; 43 of 2017; 303 of 2017; 318 of 2017; 319 of 2017; 284 of 2017; 253 of 2017; 254 of 2017 on the file of Respondents 7 to 18 or such other cases to a centralised agency for proper investigation into the false complaints and to deal with the same in accordance with law preventing any further harassment and deterioration of health of Mr.V.Anbazhagan.

For Petitioner : Mr. Om Prakash, SC, for
M/s. S.Kumaradevan in all Crl.O.Ps and
in W.P.

For Respondent : Mr. A.Gopinath, GA (Crl. Side) for R-1
in W.P. No. 3574, 4802, 4280, 7749,
7747, 7748, 4886, 4906, 4914, 4283,
4800, 4801, 4918, 4285, 4284, 4281,
4799, 4282, 8467/2018, 97/2019
for all Respondents in W.Ps

Mr. V.Elangovan for R-1 in
Crl. O.P. Nos.3575, 4976 to 4978/2018



COMMON ORDER

“எப்பொருள் யார்யார்வாய்க் கேட்பினும் அப்பொருள்
மெய்ப்பொருள் காண்ப தறிவு”

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The great Tamil Poet Thiruvalluvar, had, centuries back, cautioned the human race not to accept any statement uttered by any person and believe it, but to dwell deep into the said statement, which alone shows the intellect. However, throwing caution to the winds and with scant regard to the rule of law, the law enforcing agency has started dancing to the tunes of individuals unmindful of the fact that its their ardent duty to be the protector of the lawful citizens and not to take sides with individuals, who are law breakers. The present case is a classic example of one such instance in which a law abiding citizen, for bringing certain facts to the notice of the law enforcers, is made to run from pillar to post to get himself absolved from the penal action, which have been taken against him under the guise of upholding the rule of law by the respondent police to safeguard certain unscrupulous elements, which are cobwebs in the governmental machinery.

2. More than two dozen cases have been thrown against the petitioner under various Sections of the Indian Penal Code of which Sections 384 and 506 (i) IPC are found in most of the cases. In addition to the above Sections, Section 294 (b), 384, 336, 506 (ii), 501, 502, 387, 186, 353, etc., have also been invoked in addition to Section 3 (1) (m) and 3 (1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. The sum and substance of the complaint in all the cases is that the petitioner threatened the respective defacto complainant that he will publish scandalous materials against them in the daily “Ullatchi Alasal”, if they fail to accede to his demand for payment of ransom money, in some cases as a lumpsum and in some other cases as lumpsum and also monthly payments. The respective defacto complainants, have, therefore, knocked the doors of the law enforcing agency by filing the respective complaints based on which the criminal machinery was set in motion leading to the registration of the respective crime, some of which have been taken cognizance of by the respective Magistrate on the filing of the charge sheet on completion of investigation. Therefore, the present petitions have been filed for quashment of the crime number and/or the case on the file of the respective Magistrate.

3. Learned Senior Counsel appearing for the petitioner submits that the whole web of the prosecution case smacks with mala fides and even a bare perusal of the complaints would show that they said complaints are mere concoction only with a view to put shackles on freedom of the Press and freedom of speech



enshrined as constitutional guarantees. It is the further submission of the learned senior counsel for the petitioner that there are broadly four types of classification in which the cases have been registered, viz.,

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i) The petitioner said to have personally demanded money by threatening the defacto complainant with publication of scandalous materials;

ii) The petitioner calling the defacto complainant over phone and demanding money and threatening him with publication of scandalous materials;

iii) The petitioner sending Whatsapp Message and demanding money and threatening him with publication of scandalous materials;

iv) The petitioner, through other persons, threatened the defacto complainant and demanded money threatening him with publication of scandalous materials.

4. It is the submission of the learned senior counsel for the petitioner that the petitioner, being a members of the Press, the act of the petitioner in publishing materials which bring to light very many corrupt and illegal activities of very many persons, has incurred the wrath of very many persons of whom, the defacto complainants are few of the persons, which has led to the filing of the present complaints to seal the lips of the petitioner.

5. Learned senior counsel appearing for the petitioner highlighted upon the complaints being lodged by the respective defacto complainants at the same time in the police station based on which seriatum crime numbers have been allotted. It is the submission of the learned senior counsel that a perusal of all of the complaints reveal a parrot like version being spoken to by the defacto complainant, which clearly shows that only to settle scores with the petitioner, the complaints have been concocted by the respective defacto complainant and with the help of the law enforcing agency, has been pressed into service.

6. It is the further submission of the learned senior counsel for the petitioner that though 26 complaints have emanated from various individuals, who are government servants, however, a perusal of the same reveals that no particulars have been given with regard to the phone number from which demand was made nor any whatsapp message has been placed before the law



enforcing agency to the effect that the such a demand was made. It is the further submission of the learned senior counsel for the petitioner that in some of the cases, it is the case of the prosecution that personal demand was made to the concerned defacto complainant in the office, yet no effort was taken by the defacto complainant to apprehend the petitioner with the aid of the persons working in his office and curiously after a lapse of a few hours, the defacto complainants have come up with the complaints before the law enforcing agency. It is the submission of the learned senior counsel that without admitting, even if at all the defacto complainants are aggrieved in any manner by the act of the petitioner, the course open to them was to file a defamation case against the petitioner and using the law enforcing agency to silence the petitioner is wholly irregular and illegal. It is the further submission of the learned senior counsel that the law enforcing agency, unmindful of their duty of the citizens, has acted as an aid to the defacto complainants.

7. It is the further submission of the learned senior counsel for the petitioner that the penal action against the petitioner are mala fide would be borne out by the fact that the petitioner was detained under the Goondas Act after he was abducted by the members of the law enforcing agency and only after filing of a habeas corpus petition, the said detention order was set aside. The overall act of the respondent police in targeting the petitioner to keep him from bringing to the knowledge of the general public the illegal activities of the government servants is writ large in the light of the various cases pointed against him and, therefore, this Court would deem it just and reasonable to interfere with the same and quash the crime numbers as also the cases in which cognizance has been taken by the respective Magistrate as is disclosed in the various petitions.

8. Learned senior counsel appearing for the petitioner, in support of his contentions, placed reliance on the following decisions :-

i) State of Haryana - Vs - Bhajan Lal (1992 Supp (1) SCC 335);

ii) R.S.Nayak - Vs - A.R.Antulay (1986 (2) SCC 176);

iii) Dhnanjay - Vs - State of Bihar (2007 (14) SCC 768);

iv) Issac Isanga Musumba - Vs - State of Maharashtra (2014 (15) SCC 357);



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- v) Labhshanker Keshavji - Vs - State (1954 SCC OnLine Guj 36);
- vi) Sunilakhya Chowdhury - Vs - H.M.Jadwet (1967 SCC OnLine Cal 83);
- vii) Sanjay Pandey - Vs Chaganlal J.Jain (2001 SCC OnLine Bom 79);
- viii) Surendra Ramachandra Taori - Gs - State of Maharashtra (2001 SCC OnLine Bom 571);
- ix) Lanka Hanumantha Rao - Vs - State of AP (2005 SCC OnLine AP 1101);
- x) Tasim - Vs - State (NCT of Delhi) (2014 SCC OnLine Del 2572);
- xi) Anoop Saxena - Vs - Secretary, Ministry of Home Affairs (2014 SCC OnLine MP 8598);
- xii) Shaikh Mujib - Vs - State of Maharashtra (2017 SCC OnLine Bom 414); and
- xiii) Thavalingam - Vs - State (2019 SCC OnLine Mad 33284)"

9. Per contra, learned Government Advocate (Crl. Side), laying emphasis on the various counter affidavits filed by the respondent police submits that only based on the complaints given by the respective defacto complainants, the law enforcing agency had embarked upon nabbing the culprit and the procedure as contemplated for the arrest and remand was duly complied with. It is the further submission of the learned Government Advocate that insofar as the Whatsapp message and the call records, efforts are being taken by the law enforcing agency to trace and ascertain those details from the respective mobile operators/service providers and on proper appreciation of the materials placed, the respective Courts have taken cognizance of the case and, therefore, no interference is called for and these petitions be dismissed.

10. Learned counsel appearing for some of the defacto complainants, while taking side with the arguments raised by the official respondents further submitted that the authenticity of the complaint is not in issue and the respective defacto complainant have made the complaint and that the petitioner is in the habit of publishing materials, which are scandalous in nature and hurts the truthful government servants and, therefore, the law enforcing agency was wholly justified in taking penal action against the petitioner.

11. This Court gave its anxious consideration to the submissions advanced by the learned counsel on either side and also perused the materials available on record.



12. Before advertng to the factual matrix of the present case, it would be prudent to articulate the proposition of law as laid down by the Hon'ble Apex Court in the case of State of Haryana - Vs Bhajan Lal (1992 Supp (1) SCC 335), wherein the Hon'ble Supreme Court has expounded the various circumstances in which the inherent power u/s 482 Cr.P.C. can be invoked. For better appreciation, the relevant portion of the said decision is quoted hereunder :-

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police



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officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice.

104. It may be true, as repeatedly pointed out by Mr Parasaran, that in a given situation, false and vexatious charges of corruption and venality may be maliciously attributed against any person holding a high office and enjoying a respectable status thereby sully his character, injuring his reputation and exposing him to social ridicule with a view to spite him on account of some personal rancour, predilections and past prejudices of the complainant. In such a piquant situation, the question is what would be the remedy that would



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redress the grievance of the verily affected party? The answer would be that the person who dishonestly makes such false allegations is liable to be proceeded against under the relevant provisions of the Penal Code, 1860 – namely under Section 182 or 211 or 500 besides becoming liable to be sued for damages.”

13. It is not in dispute that the petitioner was detained under the Goondas Act and the said detention order was set aside by this Court in HCP No.1177/17. It is also not in dispute that the petitioner is a member of the Press. It is the stand of the respondents in all these cases that on the basis of the complaint of the respective defacto complainant, the complaints were registered. However, the genesis and the truth in the said complaints are being attacked by the petitioner. True it is that the issues raised in the complaints are a matter of trial, but that would not deter this Court to have a look into the complaints to arrive at a satisfaction as to the prima facie nature of the allegations and the genuineness and truthfulness of the complaint vis-a-vis the petitioner.

14. The whole gamut of the prosecution case hinges on the act of the petitioner, who was trying to extort monetary gains from the defacto complainants, by carrying out veiled threats of publishing scandalous materials, which had resulted in the filing of the complaints.

15. Section 383 Cr.P.C. deals with the meaning of “Extortion” and Section 384 Cr.P.C. provides for punishment for extortion and for immediate reference, the same is quoted hereunder :-

“383. Extortion.—Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits ‘extortion’.”

6. A bare perusal of the aforementioned provision would demonstrate that the following ingredients would constitute the offence:

1. The accused must put any person in fear of injury to that person or any other person.
2. The putting of a person in such fear must be intentional.



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3. The accused must thereby induce the person so put in fear to deliver to any person any property, valuable security or anything signed or sealed which may be converted into a valuable security.

4. Such inducement must be done dishonestly."

16. The fulcrum of the whole prosecution case rests on the act of the petitioner in trying to extort monetary advantage to himself by putting the defacto complainants in fear by holding out threat of publishing materials, which are scandalous in nature and are bound to put in peril the dignity and respect of the defacto complainants.

17. As pointed out by the learned senior counsel, broadly, the complaints fall within four categories, as noted above. Even at the very inception, a perusal of the complaints would disclose that the complaints cannot form the basis for any trial and the cognizance taken thereof by the concerned Magistrate in certain cases also cannot be sustained.

18. The sum and substance of the complaints are that the respective defacto complainants were threatened by the petitioner that if they fail to part with monetary consideration, scandalous materials targeting them would be published by the petitioner. The threatening is said to have come from four quarters, viz., either in person or through third party, or through a phone call or through Whatsapp message. Curiously, none of the complaints reveal any phone number from which such threatening calls were received. In some of the complaints, it is the specific case of the complainants that the calls were received on their mobile phones. If that be the case, there would have been no impediment for the said complainants to provide the phone number to the investigating agency for tracing the number and the person, who had called from that number. However, all the complaints which allege that the complainants were threatened over phone, no particulars have been provided by the complainants as to the number, except for saying that the caller identified himself as a person belonging to the Press along with his name and stated that if the complainants refused to part with the cash as demanded by him, derogatory materials, scandalous in nature, concerning their activities will be published. It is to be pointed out that one of the main requisites in the complaint is the providing of the phone number from which the threatening call emanated and in the absence of the same, the genesis of the prosecution case itself is to be doubted.



19. It is further to be pointed out that in some of the complaints, though the demand is alleged to have been made by the petitioner, however, the complaint has been lodged after a delay and there is nothing in the complaint to explain the reason for the said delay. Further, in a few instances, the complainants have stated a particular time when the calls were made to them and in such instances, it is to be pointed out that the call is alleged to have come to the complainants at around a particular time on a particular date.

20. Secondly, some of the complaints reveal that the petitioner had come in person to the office of the respective complainants and threatened them and demanded money from them. When it is the specific case of the said complainants that threatening was made by the petitioner in the office, this Court is at a loss to understand as to what prevented the said complainants from apprehending the petitioner with the aid of the personnel in the office and hand him over to the law enforcing agency along with the complaint.

21. It is further to be pointed out that when it is the specific allegation of the complainants that the petitioner presented himself at their office, identified himself and made the demand, yet the complaints have been lodged after a very long delay.

22. More curious case is the fact that in some of the cases, it is the categorical stand of the complainants, as is the prosecution case that the petitioner had published scandalous materials against the complainants and, thereafter, showing the said scandalous publication had demanded money from the said complainants. This Court is at a loss to understand how such a demand would have been made by the petitioner of such complainants when scandalous materials have already been published against them. The very fact that the publication has already been made and, thereafter, demand has been made, as per the stand of the prosecution, shows the very fallacy in the prosecution case. Once a scandalous material has been published against a person, what further enures in an accused appearing before such person and demanding money showing the said publication. The said stand of the prosecution defies logic and common sense as no prudent person, who is stated to be involved in extortion of money through illegal means, would resort to such an act as put forth by the prosecution.

23. One other situation in which certain of the complaints have come to be registered is the allegation relating to filing of untrue and false articles demeaning the integrity of the complainants. It is to be pointed out that if such articles, which are false and untrue and derogates the complainants have



been published, as alleged in the complaints, the course that is open to the complainant is only to take appropriate action u/s 499 IPC for defamation and it is not within the realm of the law enforcing agency to register a FIR relating to certain untrue and false allegations that are said to have been published.

24. Further, the certain complaints allege that whatsapp message was forwarded to their mobile numbers demanding money for not publishing articles, which are scandalous and would hurt the complainants. However, the said Whatsapp messages are not annexed as a material, either in the complaint or in the charge sheet that has been laid by the respondent before the concerned Court. The pivotal material in such complaints is the Whatsapp message and in the absence, mere assertion and allegation that the complainants were threatened by the petitioner, prima facie, does not have any legs to stand the judicial scrutiny. The evidence on the basis of which the petitioner has been proceeded with by the respondent is a relevant and requisite material to be furnished at the time of filing of the charge sheet and in the absence of the same, no amount of further investigation would suffice to cure the defect and the petitioner also cannot be left in lurch looking at what evidence would be placed before him during trial. The evidence and witnesses on which the prosecution relies are to be tabled before the trial court at the time of filing of the charge sheet and in the absence of the same, the prosecution launched against the petitioner cannot be sustained.

25. In one of the case, viz., Crl. O.P. No.4918/18, challenging the FIR, inspite of grant of stay by this Court, charge sheet was filed against the petitioner, which was taken on file in S.C. No.154 of 2018, and the issuance of the summon in the said case led to the quashing of the same by this Court in Crl. O.P. No.20355/2019.

26. It is to be pointed out that in all the cases, counter has been filed by the respondent. However, this Court, on a perusal of the said counter, without second thought, could very well come to the conclusion that the said counter is nothing but a piece of paper, filed just to satisfy the mandatory requirement of filing counter and does not in any way help the case of the prosecution. The counters filed in all the cases are almost similar in all aspects, except for the case numbers. No fruitful material, which is said to have been unearthed by the prosecution, has been stated in the counter to enable this Court to come to a different conclusion. Further, this Court is also at a loss to understand as to how the allegations alleged to have been made by the petitioner both orally and through publication could be brought within the framework of the respective sections of the Indian Penal Code, which has been



aimed at the petitioner. As already stated, at best, the allegations alleged could form the basis of a defamation charge against the petitioner u/s 499 IPC and it cannot be the basis to file FIR against the petitioner for the sections under which he has been charged.

27. One other fact that stares writ large on the face of the respondents is the fact that it is the specific allegation of the petitioner that he was abducted by the law enforcing agency and taken to Coimbatore and produced before the Judicial Magistrate No.V, Coimbatore in Crime No.43 of 2017, registered on the file of the Alandurai Police Station, Coimbatore and remanded to judicial custody. It is further evident from the counter filed in other cases that formal arrest was made of the petitioner, as he was under remand in Crime No.43/2017. In spite of such a specific allegation being made by the petitioner against the law enforcing agency, however, the counter filed in Crl. O.P. No.4285 of 2018, which pertains to the law enforcing agency at Coimbatore, is totally silent on the said aspect. In this backdrop, the detention of the petitioner under the Goondas Act and its quashment by this Court assumes significance. Even in the counter filed in Crl. O.P. No.4285 of 2018, there is no worthwhile material, which forms the basis for the arrest.

28. The first information report, as is well known, must be read in entirety. However, as already pointed out above, there is no iota of material in the form of phone records, phone numbers, whatsapp messages, which finds specific place in the first information report, which in any way implicates the petitioner in the commission of the alleged offences. There are mere references of phone conversation and whatsapp messages, alleged to have been sent by the petitioner demanding money, but no specific detail as to the phone numbers or the whatsapp message form part of the first information report. On this Court making a specific query to the Government Advocate as to the materials in the form of phone records, phone numbers, whatsapp messages, which are said to have emanated from the petitioner, it is submitted by the learned Government Advocate that though communications have been addressed to the service providers, yet they have not received any details so far. In this regard, it is to be pointed out that the matters relate to the period 2017 and 2018, which are almost more than four to five years old and still now the law enforcing agency has not collected any material records from the service providers with regard to the alleged phone calls and whatsapp messages. Yet the law enforcing agency, in many of the cases, have gone ahead and filed charge sheet against the petitioner without the basic document, which points to the petitioner as the perpetrator of the offence.



29. In this backdrop, this Court is left with no other alternative, but to comment upon the attitude, the lethargic and highhanded attitude of the law enforcing agency in taking action against the petitioner. Many a times this Court has come across a multitude of cases in which petitions are filed to make the law enforcing agency to register the FIR even in cases where there is prima facie material and that the case has a criminal flavour attached to it and only at the intervention of this Court, FIR's are registered even in such of those genuine cases. Yet, in this case, as many as 26 FIRs have been registered against the petitioner and in some of those cases, investigation is also said to have been completed and charge sheet has been laid by the respective respondent before the concerned court, which has been taken cognizance of. However, the most disturbing feature in the whole episode is that, as pointed out earlier, the charge sheet does not reveal any materials, which are pertinent to point a finger on the petitioner and only minimalistic materials, in the form of evidence of some witnesses have been placed before the Court in support of the said charges. The fulcrum of all those cases is the phone call/whatsapp message, etc., which are said to have been sent to the complainants, but inspite of passage of about five years, no steps have been taken to collect and submit the call records and the complaints are also silent as to the phone numbers from which the calls/whatsapp message has emanated. This Court is also at a loss to understand as to the basis on which cognizance has been taken by the concerned Magistrate Court, when there are such glaring discrepancies in the materials and there is full fledged investigative flaw, which has led to the incarceration of the petitioner, which is wholly unjust and unsustainable.

30. For the reasons and discussions aforesaid, this Court is of the considered view that the respective FIR on the file of the respondent police as also the respective case on the file of the concerned Magistrates are wholly unsustainable and does not stand the test of legal scrutiny and they deserve to be set aside. Accordingly, all the FIRs registered in the cases by the respondent police as also the cognizance taken of the charge sheet by the respective Magistrate culminating in the registration of the respective cases stand quashed and all the criminal revision petitions are allowed.

31. Incidentally, pending the criminal original petitions, the wife of the petitioner has filed W.P. No.13120 of 2017 praying for a direction to the respondents in the writ petition to transfer all the cases registered against the petitioner, pending on the file of respondents 7 to 16 in the writ petition to a centralized agency for proper investigation into the false complaints and to deal with the same in accordance with law and preventing any further harassment and deterioration of health of



the petitioner. However, in view of the fact that all the criminal original petitions have been allowed by quashing the FIR/Calendar Case, nothing further survives for consideration and, accordingly, this writ petition is closed.

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32. Further, it is to be pointed out that the law enforcing agency is for the purpose of safeguarding the citizens, who lead their life according to the rule of law and it is not for the purpose of safeguarding such of those individuals, who, with least respect and regard to the rule of law, flaunt their powers in an illegal manner to enrich themselves and their corrupt acts are flashed by the whistle blowers in the society. It is to be pointed out that corruption has got itself deeply rooted in our day-to-day life that without the aid of corruption, even the day to-day affairs are not being discharged by the officials, who block and clog the functioning and the image of the governmental machinery in the eyes of the common man. Such being the affairs, as is being brought to the eyes of the common man by such of those whistle blowers, the law enforcing agency should take steps to apprehend such persons, who are corrupt and not go after the persons, who bring to light such illegal acts.

33. In the case on hand, the law enforcing agency, rather than being law enforcers, have acted as law breakers by going after the petitioner, without proper materials. The law enforcing agency, forgetting their duty to the society and also forgetting the oath that they have taken as the custodian of law have breached the barriers and acted in a manner, which is wholly unlawful and deprecable. The law enforcing agency is bound to investigate the matter properly, collect the requisite evidence and, thereafter, proceed against the persons, who have breached the rule of law. The common man looks upon the law enforcing agency as his saviour and in that scenario, the fence should not eat the crops. If such a situation is allowed to surface, then the rule of law will vanish and there will be total lawlessness in the society, which will lead to anarchy. It is also to be pointed out that the authorities higher up the hierarchy in the law enforcing department are bound to keep a watch on their subordinates and their functioning, which should be in the interest of the common man and not for the purpose of guarding and perpetrating illegal acts. This Court is of the considered view that it is high time that the higher echelons in the law enforcing department take up the matter seriously and keep a continual watch on the performance of their subordinates so that the law enforcing agency acts within the rule of law and for the betterment of the citizens and the society.



34. In the result, all the criminal original petitions are allowed and the writ petition in W.P. No.13120/17 is closed. Consequently, connected miscellaneous petitions are also closed. However, there shall be no order as to costs.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

GLN

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24. DO THRO THE CHIEF JUDICIAL MAGISTRATE
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25. THE JUDICIAL MAGISTRATE
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26. THE JUDICIAL MAGISTRATE NO.II
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CRL. O.P. NOS. 3574 OF 2018, ETC. BATCH

JP(CO)
SP(24/08/2021)