



Crl.O.P.No. 10430 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10430 of 2025 and
Crl.M.P.Nos.6932 and 6933 of 2025

1.Balachandar
2.Kumara Subramanian alias Kumar
3.Sivakumar
4.Sunil Jayaraman ... Petitioners

Vs.

1.State of Tamilnadu represented by
Inspector of Police
S12, Chitlapakkam Police Station,
St.Thomas Mount,
Chennai, District.
(Crime No.679 of 2018)

2.M.Venkatesh ..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.679 of 2018 under Section 294(b), 153, 353, 506(1) of IPC on the file of learned Judicial Magistrate -II, Tambaram and quash the same.

For Petitioners : Mr.M.Premkumar for
Mr.M.Selvam



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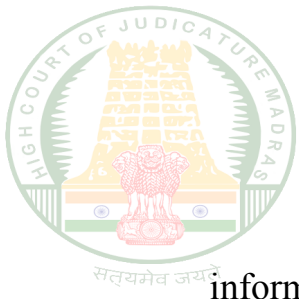
For R1

: Mr.R.Vinothraja,
Government Advocate (crl.side).

ORDER

This petition has been filed to quash the proceedings in C.C. No. 679 of 2018, pending on the file of the learned Judicial Magistrate - II, Tambaram.

2. The case of the prosecution, as outlined in the complaint, is that on 20.10.2018, the defacto complainant, along with the District Collector of Kancheepuram, was inspecting areas for flood prevention measures. Work was underway on the cut-and-cover drain projects as instructed by the authorities. After the departure of the District Collector, the defacto complainant commenced digging work to prevent rainwater stagnation. At this time, the petitioners, including Sunil Jayaram (also known as Sunil), Balachandar, Sivakumar, Kumar, and Kumarasubramanian, allegedly interfered with the work and attempted to halt it despite explanations from the Executive Officer, Engineer, and Supervisor. It is further alleged that the petitioners instigated the public with false

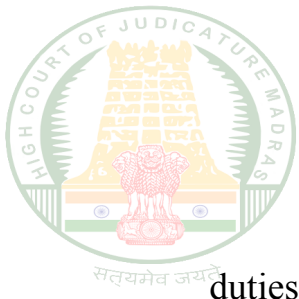


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information, attempting to incite a riot. That apart, one of the petitioners reportedly attempted to capture the incident on a mobile phone and struck the face of the defacto complainant with the phone. Based on this complaint, a case was registered against the petitioners under Sections 294(b), 153, 353, and 506(1) of IPC. The case was taken cognizance of by the learned Judicial Magistrate - II, Tambaram, in C.C. No. 679 of 2018.

3. The learned counsel for the petitioners submits that the petitioners sought details regarding the alleged irregularities in the cut-and-cover drain and other flood mitigation civil works being undertaken by the officials. According to the petitioners, these works had raised concerns about large-scale corruption. The second respondent, in response, lodged a false complaint against the petitioners. It is further submitted that the fourth petitioner resides in the United States and was not present at the scene of the alleged incident. The learned counsel also contends that the entire allegation is trivial in nature. When the petitioners questioned the same, an FIR was registered against them as if they had disturbed the second respondent while discharging his official



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duties. Moreover, it is pointed out that there were around 100 residents in the area who had submitted a representation to the District Collector, highlighting the wrongdoings and deficiencies in the project. In light of these facts, the learned counsel argues that the second respondent has falsely implicated the petitioners in this case to avoid accountability. That apart, the trial in this matter has been pending since 2018 without any significant progress.

4. The learned Government Advocate (Crl. Side), while opposing the petition, submits that the allegations against the petitioners, as made out in the FIR, are serious in nature. The petitioners allegedly interfered with the official duties of the defacto complainant, who was carrying out his responsibilities in relation to flood mitigation works. The learned Government Advocate (Crl.side) contends that the continuance of the proceedings in the case is justified, and the same should not be quashed at this stage.

5. Heard both sides and perused the materials placed before this Court.



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6. The matter has been carefully examined, and the submissions of both parties have been duly considered. It is evident that the allegations against the petitioners, even if taken at face value, appear to be trivial in nature. The petitioners, in seeking information regarding alleged irregularities in a public project, have not been shown to have committed any criminal offense. The delay in the progress of the trial since 2018 further strengthens the case for quashing the proceedings, as mere pendency of the trial would not serve any useful purpose. That apart, it is clear that the allegations of disturbing the defacto complainant while discharging official duties lack sufficient merit, particularly in light of the broader public concern regarding the project in question.

7. In view of the above, this Court is of the considered opinion that the continuance of the proceedings in C.C. No. 679 of 2018, pending before the learned Judicial Magistrate - II, Tambaram, would amount to an abuse of the process of law. Accordingly, the proceeding in C.C. No.679 of 2018 is hereby quashed as against the petitioners.



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8. Accordingly, this Criminal Original Petition stands allowed.

Consequently, the connected miscellaneous petitions are closed.

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Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1. The Judicial Magistrate -II, Tambaram

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2. The Inspector of Police
S12, Chitlapakkam Police Station,
St.Thomas Mount,
Chennai, District.

3. Public Prosecutor,
Madras High Court.

G.K.ILANTHIRAIYAN, J.

shk



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