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Crl.O.P.No. 13392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

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

Crl.O.P.No.13392 of 2025 and
Crl.M.P.Nos.8913 and 8914 of 2025

1.M.K.Shanmuhasundaram
2..Muthuvel

... Petitioners

Vs.

1.The State represented by,
The Inspector of Police,
Veerapandi Police Station,
Tiruppur.
(Crime No.204 of 2024)

2.Chellakkannu

..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.407 of 2024 pending on the file of the learned Judicial Magistrate – IV, Tiruppur and quash the same as against this petitioners.

For Petitioners : Mr.R.Vivekananthan

For R1 : Mr.A.Gopinath,
Government Advocate (crl.side).



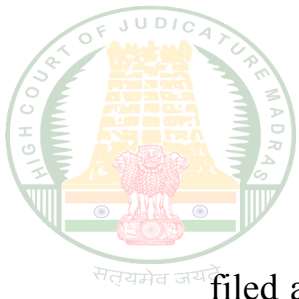
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ORDER

This petition has been filed seeking the quashing of the proceedings in C.C.No.407 of 2024 pending on the file of the learned Judicial Magistrate – IV, Tiruppur.

2. The case of the prosecution, as outlined in the complaint, is that the second respondent is the manager of M/s AJ KNITS Company. The accused, namely, A1 and A2, are partners of M/s VARSHINI FINISHES. Due to a misunderstanding among the partners, one of the partners, Venkadachalam, terminated the partnership firm, following which the A1 and A2 vacated the premises. Subsequently, the said premises were rented out to M/s AJ KNITS Company. While being so, A1 and A2, along with other accused persons including the petitioners herein, who have been arrayed as A5 and A6, allegedly entered the premises on 29.03.2023, represented themselves as officers of the Pollution Control Board (PCB), and demanded to inspect the permits of the company. They purportedly threatened to seal the entire company if the necessary permits were not produced. Based on this incident, the second respondent



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filed a complaint, leading to the registration of FIR in Crime No. 204 of 2024, for the offences under Sections 451, 170, 109 and 506(2) of IPC. After completion of investigation, a final report was filed, and the learned Judicial Magistrate IV, Tiruppur, took cognizance of the offences under Sections 170, 109, 451, and 506(2) of IPC, resulting in the proceedings being initiated in C.C. No. 407 of 2024.

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

4. On perusal of records, it is revealed that prior to the filing of the complaint by the second respondent, the petitioners had lodged a complaint with the Pollution Control Board on 24.02.2024, alleging that M/s AJ KNITS Company was discharging untreated waste into a water body. It appears that the complaint filed by the second respondent was lodged with malicious intention as against the petitioners. In fact, in response to the petitioners' complaint, the Tamil Nadu Pollution Control Board, by its proceedings dated 24.12.2024, imposed an environmental

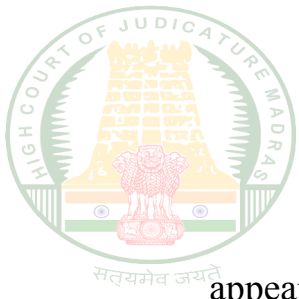


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compensation of Rs. 9,37,500/- on M/s AJ KNITS Company for the violations. The company paid the amount on 17.01.2025. It is further noted that the petitioners visited the premises of M/s AJ KNITS Company on the date of the alleged incident in connection with their complaint concerning the company's pollution practices. The second respondent, in his capacity as the manager of the company, subsequently filed a complaint, falsely accusing the petitioners of impersonating officers of the Pollution Control Board and attempting to inspect the company's permits. It is also contended that the company is operating a dyeing unit without obtaining the requisite approvals from the Tamil Nadu Pollution Control Board. The proceedings initiated by the second respondent are therefore deemed to be an abuse of the process of law, undertaken with malicious intent and ulterior motives, driven by personal animosity and a desire to harass the petitioners.

5. Having considered the submissions made by both counsel, as well as the materials on record, it is evident that no *prima facie* case has been made out as against the petitioners. The allegations in the complaint



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appear to be manifestly attended with malafides, and the entire proceedings seem to have been instituted with ulterior motives, to settle a personal score, rather than for any genuine cause of action.

6. In view of the above, this Court is of the considered opinion that the continuance of the proceedings in C.C. No. 407 of 2024, pending before the learned Judicial Magistrate IV, Tiruppur, would amount to an abuse of the process of law. Accordingly, the proceedings in C.C. No. 407 of 2024 is hereby quashed as against the petitioners and this Criminal Original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

29.04.2025

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

G.K.ILANTHIRAIYAN, J.



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To

1. The Judicial Magistrate – IV, Tiruppur

2. The Inspector of Police,
Veerapandi Police Station,
Tiruppur.

3. Public Prosecutor,
Madras High Court.

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Crl.M.P.Nos.8913 and 8914 of 2025

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