



Crl.O.P.No.25491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.25491 of 2025 and
Crl.M.P.No.17255 of 2025

P.Sivarama Shanmugam

... Petitioner

Vs.

1. The State
Rep. by Inspector of Police
Kannankurichi Police Station
Salem

2. Sri Omana George
Principal
The Central Law College
Kannankurichi
Annai Indira Nagar, Salem

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records relating to PRC No.5/2008 on the file of Judicial Magistrate No.IV, Salem and quash the same as far as the petitioner is concern.

For Petitioner : Mr.V.Sithannan

For 1st Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the proceedings in PRC No.5/2008 on the file of Judicial Magistrate No.IV, Salem as far as the petitioner is concern.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the first respondent.

3. The case of the prosecution is that the students of Central Law College, Salem agitated against the Management on 19.09.2006. Pursuant to the complaint, a case was registered in Crime No.1342 of 2006 and after completion of investigation, the charge sheet was filed against the petitioner and other 48 students for the offences under Sections 147, 148, 342, 427, 506(ii) of IPC r/w. Section 3(1) of TNPPDL Act r/w. Section 149 of IPC.

4. According to the prosecution on 19.09.2006, at 1 P.M., 49 students have trespassed into the veranda of the college building and shouted slogans against the Management. This was followed by an unlawful assembly and they threw stones and flower pots on the glass windows and notice board and damaged the glasses, which cost Rs.2,00,000/-.

5. The learned counsel for the petitioner submitted that there is no



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specific allegation against the petitioner. There is only an omnibus allegation that the petitioner joined others and threatened the staff by throwing stones and damaging the college properties. This statement alone would not be sufficient to justify the charges levelled against the petitioner. He further submitted that this Court quashed the proceedings against the co-accused by order dated 08.09.2025 in Crl.OP No.24497 of 2025.

6. On a perusal of the complaint as well as the statement of the witnesses under Section 161 (3) Cr.P.C. shows that none of the students have been implicated with overt-acts for constituting the offences for which they are charged for.

7. It is generally averred that they had joined together and threatened the staff by throwing stones and damaging the college properties. The omnibus statement may not constitute the offences against each and every individual student, since criminal trial is contemplated only on the basis of definite allegations of commission of the offence by every individual student.

8. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court *in Sathish Mehra v. State of N.C.T. Of Delhi and Anr, AIR 2013 SC 506* and the relevant paragraph of the said order read as follows:



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“19. The view expressed by this court in Century Spinning's case (supra) and in Muniswamy's case (supra) to the effect that the framing of charge against an accused substantially affects the person-s liberty would require a reiteration at this stage. The apparent and close proximity between the framing of a charge in a criminal proceeding and the paramount rights of article a person arrayed as an accused under article 21 of the Constitution can be ignored only with peril. Any examination of the validity of a Criminal charge framed against am accused cannot overlook the fundamental requirement laid down in the decisions rendered in Century Spinning and Munisawamy (supra). It is from the aforesaid perspective that we must proceed in the matter bearing in mind the cardinal principles of law that have developed over the years as fundamental to any examination of the issue as to whether the charges framed are justified or not. So analysed, we find that in the present case neither in the FIR nor in the charge-sheet or in any of the materials collected in the course of investigation any positive role of either of the appellants, i.e., G.K. Bhat and R.K.Arora has been disclosed in the matter of renewal and encashment of the fixed deposits. All that appears against the aforesaid two accused is that one was the Chief Manager of the Bank whereas the other accused was at the relevant time working as the Senior Manager. What role, if any, either of the accused had in renewing the two fixed deposits in the sole name of Anita Mehra or the role that any of them may have had in the payment of the amount due against FD No.21/91 to Anita Mehra or in cancelling the FD No. 9/92 renewed in the sole name of Anita Mehra and thereafter making a fresh FD in the joint

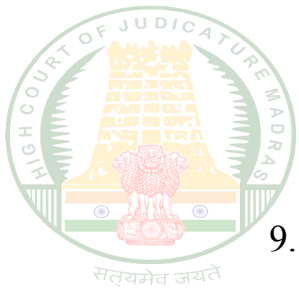


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Anita Mehra and Satish Mehra, is not disclosed either in the FIR filed or materials collected during the course of investigation or in the charge-sheet filed before the Court. There can be no manner of doubt that some particular individual connected with the Bank must have authorized the aforesaid acts. However, the identity of the said person does not appear from the materials on record. It is certainly not the prosecution case that either of the accused/appellants had authorised or even facilitated any of the aforesaid action. In such a situation to hold either of the accused~appellants to be, even prima-facie, liable for any of the alleged wrongly acts would be a matter of conjecture as no such conclusion can be reasonably and justifiably drawn from the materials available on record. A criminal trial cannot be allowed to assume the character of fishing and roving enquiry. It would not be permissible in law to permit a prosecution to linger, limp and continue on the basis of a mere hope and expectation that in the trial some material may be found to implicate the accused. Such a course of action is not contemplated in the system of criminal jurisprudence that has been evolved by the courts over the years. A criminal trial, on the contrary, is contemplated only on definite allegations, prima-facie establishing the commission of an offence by the accused which fact has to be proved by leading unimpeachable and acceptable evidence in the course of the trial against the accused. We are, therefore, of the view that the criminal proceeding in the present form and on the allegations levelled is clearly not maintainable against either of the accused/appellant G.K. Bhat R.K.Arora.”

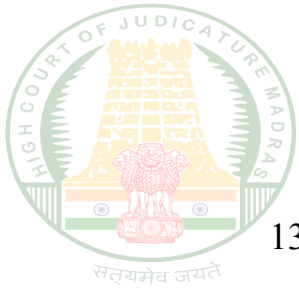


9. The learned Government Advocate (Crl. Side) submitted that specific charges have been levelled against the accused based on the statements obtained from witnesses and if at all, the petitioner has any grievance, he can cross-examine the witnesses at the time of trial and quashing the charge sheet is not warranted.

10. Applying the above said decision of the Hon'ble Supreme Court in the instant case, it can be seen that there is no specific overt-act imputed against each and every student, with reference to the offences that he/she is charged for. In the absence of the same, I am unable to comprehend as to how the trial would proceed to arrive at a logical conclusion by implicating each individual student.

11. Though the petitioner herein is one of the 49 students, the overt acts as against all of them are one and the same. None of the accused have been individually implicated and no specific overt-acts are attributed against the individual students and hence, this Court is of the view that the petitioner herein who is arrayed as 42nd accused, is entitled to succeed in this Criminal Original Petition.

12. In the result, the proceedings as against the petitioner in P.R.C. No.5 of 2008 pending on the file of the learned Judicial Magistrate No.IV, Salem, is hereby quashed.



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13. Accordingly, this Criminal Original Petition stands allowed.

WEB COPY Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.IV,
Salem
2. Inspector of Police
Kannankurichi Police Station
Salem
3. The Public Prosecutor
High Court of Madras, Chennai



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N. SATHISH KUMAR, J.

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