



WEB COPY



CrI.O.P.No. 1701 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

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

CrI.O.P.No.1701 of 2023 and
CrI.M.P.Nos.6472 of 2025 and 943 of 2023

1.Pullikondan Narayanan

2.Sreesukan

3.K.Jayanandan

... Petitioners

Vs.

1.The Inspector of Police
Crime Branch CID
Coimbatore City.

2.Jayarajan

..Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to P.R.C.No.9 of 2021 on the file of the Judicial Magistrate, Udhagamandalam, Nilgiris District, quash the same by allowing this Criminal Original Petition.



WEB COPY



CrI.O.P.No. 1701 of 2023

For Petitioners : Mr.T.Murugamanickam for
Mr.V.Rajesh

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

For R2 : No appearance

ORDER

This petition has been filed to quash the proceedings in PRC No.9 of 2021 pending before the Judicial Magistrate, Udhagamandalam, Nilgiris District.

2. The case of the prosecution is that the 6th accused is the father-in-law of the second respondent and is a resident of Cannanore District, Kerala. After the marriage between the daughter of the 6th accused and the second respondent, due to a family dispute, the second respondent allegedly drove his wife out of the matrimonial home. The wife had reportedly brought with her dowry jewels and other household articles, which remained in the possession of the 6th accused. On 20.05.1983 at

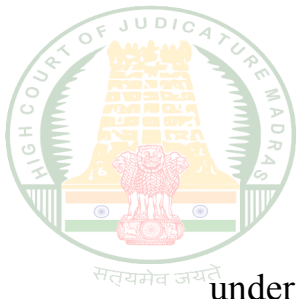


CrI.O.P.No. 1701 of 2023

WEB COPY

about 11 a.m., the first to fifth accused conspired with the 6th accused and abducted the second respondent, wrongfully confined him with the intention of extorting the jewels and forcing a return of the property to the 6th accused. During this, they allegedly caused hurt to the second respondent and compelled him to disclose the location of the jewels.

3. Based on a complaint, an FIR was registered in Crime No.45 of 1983 under Sections 147, 342, 364, 384, 323, and 379 of the IPC on the file of the Inspector of Police, Cherambadi Police Station, Nilgiris. The investigation revealed that the second respondent had hidden the jewels in Syndicate Bank, Ooty, with the help of one Ramachandran, an associate of the second respondent's shop. Upon recovery, a seizure memo was prepared. On their return journey to Kerala, the accused allegedly faced an attack by the second respondent and his associates, who forcibly took away the bag containing the jewels and other police records. No case was filed against the second respondent at that time. Subsequently, the second respondent lodged a complaint against the petitioners, leading to the registration of FIR in Crime No.103 of 1983

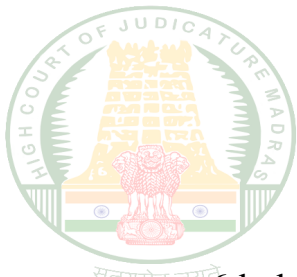


CrI.O.P.No. 1701 of 2023

WEB COPY

under Sections 143, 147, 148, 341, 395, 397, 225, 332 and 307 of IPC
r/w Section 149 of IPC on the file of Inspector of Police, Sulthan Bathery
Police Station, Kerala.

4. After the investigation, the Government of Tamil Nadu, in G.O.Ms.No.2720 dated 20.11.1987, decided to cease action against the petitioners. The final report was filed on 30.09.1986, and the case was closed by the learned Magistrate on 16.02.1987. However, the second respondent filed a revision before this Court, which was allowed on 18.09.1991. The Court set aside the order of closure and directed further investigation. The petitioners then approached the Hon'ble Supreme Court, which, by order dated 19.04.1995, set aside the revision and directed this Court to dispose of the matter within a period of six months. Despite numerous legal proceedings over the years, the learned Magistrate eventually took cognizance of the final report in PRC No.9 of 2021, which is presently pending for committal. The case involves charges under Sections 367, 347, 330, 386 read with Sections 109, 149, and 111 of IPC. It is noteworthy that two accused, namely, the 4th and



CrI.O.P.No. 1701 of 2023

6th, have passed away, and the 3rd accused is bedridden.

WEB COPY

5. The petitioners, being police officials, are aged over 70 years, residing in Kerala after their retirement. They have raised the issue of the inordinate delay in the initiation of the case, which has been pending for nearly four decades. That apart, the learned Magistrate took cognizance without sanction under Section 197 of the Cr.P.C. for actions performed during the discharge of their official duties.

6. The learned counsel for the petitioners submits that there is no explanation for the significant delay of nearly four decades in taking cognizance of the matter. This delay, in itself, renders the proceedings unsustainable. It is further argued that the learned Magistrate's decision to take cognizance in PRC No.9 of 2021, without the requisite sanction under Section 197 of the Cr.P.C., is a clear violation of procedure since the alleged acts were committed during the discharge of official duties. The learned counsel also points out that the earlier proceedings in similar matters were quashed by this Court and that the allegations against the



CrI.O.P.No. 1701 of 2023

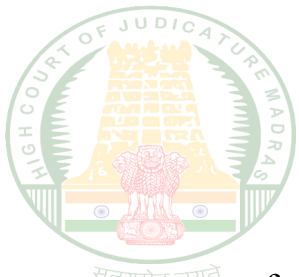
WEB COPY

petitioners have not been substantiated by new material evidence.

Therefore, the proceedings in PRC No.9 of 2021 are based on outdated facts and ought to be quashed in the interest of justice.

7. The learned Government Advocate (crl.side), while opposing the petition, contends that the FIR was registered after a proper investigation and that the delay in the proceedings was due to various judicial proceedings over the years, including transfers, appeals, and revisions. He further argues that the delay should not, in itself, be a ground for quashing the proceedings, especially since the investigation was eventually completed, and the charges have been framed. The Government Advocate (crl.side) submits that the matter involves serious charges, and the involvement of the petitioners, as police personnel, must be examined through the judicial process.

8. Heard both sides and perused the materials placed before this Court. Though notice has been served on the second respondent, no one appeared on behalf of the second respondent either through video



CrI.O.P.No. 1701 of 2023

conferencing or in person.
WEB COPY

9. On perusal of records, it is apparent that this matter has been pending for an unusually long time, with numerous legal proceedings, including revisions, appeals, and orders by the Hon'ble Supreme Court, affecting the progress of the case. The fact that the final report was filed by the first respondent only after several years and that the learned Magistrate took cognizance in 2021, almost four decades after the alleged occurrence, raises significant concerns regarding the undue delay in prosecuting the case. That apart, this Court finds merit in the petitioners' argument that no sanction under Section 197 of the Cr.P.C. was obtained, which is required for actions allegedly performed by the petitioners in their official capacity. The failure to obtain this sanction before initiating the proceedings casts doubt on the legality of the case against the petitioners. This Court also notes that similar complaint filed by the second respondent against the family members of the 6th accused was quashed by this Court in CrI.O.P.No.32712 of 2004, and the allegations against the petitioners have not been substantiated by fresh



CrI.O.P.No. 1701 of 2023

WEB COPY

evidence. The relevant portion of the order is reads as follows:

“10. The principle laid down by the Hon'ble Apex Court in the decision cited supra is squarely applicable to the facts of the instant case as it is already pointed, this case is pending for the last more than two decades without any progress and the complaint to the police pending for investigation is also not in respect of the petitioners herein as the petitioners have not been implicated in the police complaint and added to that the petitioners are in no way responsible for such inordinate delay and as such this Court is constrained to quash the impugned complaint as far as the petitioners are concerned and accordingly, the proceedings pending in P.R.C.No.1 of 1987 on the file of the learned Judicial Magistrate, Gudalur, is hereby quashed insofar as the petitioners are concerned.

11. It is made clear that the Inspector of Police, CBCID, Coimbatore, who is dealing with the investigation in Crime No.45 of 1983, is directed to expedite the filing of the final report as expeditiously as possible in view of the specific direction already given by this Court as early as in the year 1993 and more particularly to complete the investigation and to file the final report within a period of five months from the date of receipt of a copy of the order



WEB COPY



CrI.O.P.No. 1701 of 2023

of this Court.”

10. In light of the above facts, this Court is of the view that there is absolutely no sufficient material to proceed with the charges as alleged. The prolonged delay in the proceedings, the absence of the necessary sanction, and the quashing of related complaints lead this Court to conclude that the continuation of the proceedings in PRC No.9 of 2021 is not justified.

11. In view of the foregoing, the entire proceedings in PRC No.9 of 2021 on the file of the Judicial Magistrate, Udhagamandalam, Nilgiris District, is hereby quashed and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

02.04.2025

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



WEB COPY



Crl.O.P.No. 1701 of 2023

G.K.ILANTHIRAIYAN, J.

shk

To

1.The Judicial Magistrate, Udthagamandalam, Nilgiris District

2.The Inspector of Police
Crime Branch CID
Coimbatore City.

3.The Public Prosecutor,
Madras High Court.

Crl.O.P.No.1701 of 2023 and
Crl.M.P.Nos.6472 of 2025 and 943 of 2023

02.04.2025