



CRL OP(MD). No.877 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 14.11.2025

PRONOUNCED ON : 19.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.877 of 2025
and
Crl.MP(MD)Nos.604 and 605 of 2025**

S.Vaikundarajan ... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by the Inspector of Police,
CBCID, Organized Crime Unit,
Tirunelveli District.
Crime No.3 of 2022.

... 1st respondent/Complainant

2. Mr.Senthil Rajan

... 2nd respondent/Defacto Complainant

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records in PRC No.05 of 2024 on the file of the Judicial Magistrate-I, Tirunelveli in Crime No.03 of 2022 on the file of the 1st respondent police and quash the charge sheet as against the petitioner.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor (for R1)
Mr.NR.Elango, Sr.Counsel
for Mr.R.Anand (for R2)



CRL OP(MD). No.877 of 2025

ORDER

WEB COPY

The petition seeks to quash the impugned final report in PRC No.5 of 2022 pending on the file of the learned Judicial Magistrate-I, Tirunelveli, for the offences under Sections 147, 294 (b), 341 and 323 of the IPC and Section 3(1) of the TNPDDL Act. The petitioner herein is arrayed as Accused No.1. The FIR was registered on a complaint given by one Senthil Rajan who is the brother's son of the petitioner.

2. The gist of the allegation in the Final Report is that there are certain civil disputes between the petitioner herein and his brother; that in one such case, a retired Judge of this Court Hon'ble Mrs.Justice Dr.S.Vimala was appointed as a Receiver and two lawyers viz., Mr.Siddharthan and Mr.P.Samuel Gunasingh, were appointed to assist the learned Judge; that on 22.04.2021, the lawyers appointed as assistants to the learned Judge has sent an e-mail stating that they intend to inspect and value the property in dispute which is said to be in possession of the petitioner herein; that the lawyers along with a few videographers entered into the premises and the petitioner herein had attacked the videographers, caused damage to the cameras besides abusing the



CRL OP(MD), No.877 of 2025

lawyers and the videographers in filthy language and caused a total damage of Rs.29,000/- (Rupees Twenty Nine Thousand Only) to the cameras; and thus, committed the aforesaid offences.

3. (i) The learned counsel for the petitioner would submit that the allegations in the impugned proceedings are false; that the petitioner had also given a complaint and though the FIR has not been registered, the petitioner had sought for a direction from the learned Judicial Magistrate for registration of FIR, which was dismissed on 18.03.2004 and the petitioner has now challenged the same before the Principal District Court, Tirunelveli and until the conclusion of the said proceedings, the impugned proceedings cannot continue; that the records would indicate that only two persons were admitted into the premises and the videographers without the permission of the petitioner had trespassed into the property and therefore, the petitioner had exercised his right of private defence; that the fact that only two persons were permitted inside the premises is also admitted by the assisting counsels viz., Mr.M.Siddharthan and Mr.P.Samual Gunasingh in their report dated 01.06.2021, before this Court and therefore, the entry of the



CRL OP(MD). No.877 of 2025

videographers which was not permitted and hence, the impugned prosecution, which is attended with malafides is liable to be quashed.

(ii) The learned counsel for the petitioner would further submit that though the damage to private properties would also attract the offence under the TNPPDL Act, the allegations must disclose that there was mischief and in this case, the ingredients of mischief are absent, and prayed for quashing.

4. Mr.NR.Elango, the learned senior counsel for the petitioner would submit that the allegations would attract the offences; that the lawyers who are appointed as assistants to the retired Judge had gone to inspect the property for the purpose of valuation and since they along with the videographers were attacked, the question as to whether the impugned proceedings is false cannot be adjudicated in a quash petition; that the right of private defence cannot be adjudicated in a quash petition, as it is very clear from the Indian Evidence Act, that it is for the person claiming the said right to prove the same in the trial. The learned senior counsel also relied upon the statement of the lawyers recorded by the



CRL OP(MD), No.877 of 2025

respondent police, who confirmed the attack on the videographers and the damages caused to the camera.

5. Heard the learned Additional Public Prosecutor, who reiterated the allegations in the final report and would state that the prosecution had examined nearly 40 witnesses and after recording the statements of the lawyers, the first respondent confirmed that the occurrence took place and the petitioner and other accused are the aggressors and filed final report and therefore, there is no infirmity in the impugned final report and all the other points raised by the petitioner have to be considered only in the trial.

6. As stated earlier, there is a civil dispute between the defacto complainant's father and his family with the petitioner/A1. In CRP (MD) Nos.1797 to 1799 of 2019, this Court had appointed a retired Judge as Receiver to manage the properties. Two counsels were also appointed as Assistants. They had gone to the property of the petitioner for inspection on the day of occurrence. The above facts are not disputed by the petitioner. It is the case of the petitioner that only two persons were



CRL OP(MD). No.877 of 2025

permitted inside the premises whereas several others who were not allowed permission trespassed into the property and started taking videos and therefore, the occurrence took place.

7. From the submission of the petitioner, it appears that the petitioner is trying to justify the act of preventing the videographers and snatching the cameras by claiming a right of private defence. In fact, the learned counsel relied upon the Judgment of Karnataka High Court in ***Nagesh and two others vs. State of Karnataka*** [Crl.Rev.Petition No.580 of 2013 dated 29.10.2022) to impress upon this Court that the petitioner was justified.

8. As rightly contended by the learned senior counsel the burden of establishing that the petitioner had exercised his right of private defence is on him under Section 105 of the Indian Evidence Act. This burden has to be discharged only during trial. This Court in exercise of its powers under Section 482 of Cr.P.C., cannot appreciate such a defence and hold that the petitioner had exercised his right of private defence.



CRL OP(MD), No.877 of 2025

9. As regards the other submission of the learned counsel that mischief has to be established to attract the offences under Section 3(1) of the TNPPDL Act, the allegation is very clear that the petitioner intended or knowingly caused damage to the property of the videographers, who accompanied the lawyers. In any case, the submission that the petitioner did not intend to cause damage is factual and contrary to the submission that the petitioner had exercised his right of private defence. In any case, this Court leaves it open to the petitioner to raise all his defences before the trial Court.

10. The third submission made by the learned counsel is that the petitioner also had lodged a complaint, which was not registered; that though the petition filed before the learned Magistrate for a direction to register the complaint has been dismissed, the same is under challenge; and that the impugned proceedings cannot be allowed to continue unless the result of the petitioner's challenge to the refusal of his complaint is decided. This is not a case where there are two FIRs registered as case and case in counter. The FIR which culminated into the impugned Final Report is on the complaint alleging attack on the lawyers and the



CRL OP(MD), No.877 of 2025

videographers. In this case, the final report has already been filed and the case is pending committal. Therefore, the impugned proceedings cannot be quashed merely because the petitioner has challenged an order dismissing his petition for registration of the case and is awaiting orders regarding registration of FIR on his complaint. Hence, this Court finds no reason to quash the impugned proceedings and the Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

19.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

ars/dk

To

1.The Judicial Magistrate-1
Tirunelveli
Thanjavur District.

2.The Inspector of Police,
CBCID, Organized Crime Unit,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

8/9



WEB COPY



CRL OP(MD), No.877 of 2025

SUNDER MOHAN,J.

ars/dk

Pre-delivery order in
CRL OP(MD) No.877 of 2025

19.11.2025