



CrI.O.P.No.5081 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.5081 of 2026
and CrI.M.P.No.5562 of 2026

- 1.Jivithesh Raaj
- 2.A.Sudarshan
- 3.V.Rohith
- 4.K.N.Ahmed Shaik Fahad
- 5.Vinodh

... Petitioners

Vs.

- 1.State rep. by
The Inspector of Police,
E-4 Abiramapuram Police Station,
R.A.Puram, Chennai – 600 028.
(Crime No.268 of 2023)

- 2.Shibi Ravilla

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to proceedings in S.C.No.128 of 2023 for the offence under Sections 341, 294(b), 506(ii), 352, 307 r/w. 109, 325, 326 r/w. 109, 34 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act pending on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai and quash the same.



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For Petitioners : Mr.C.R.Malarvannan
For R1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor
For R2 : Mr.S.D.Venkateswaran

ORDER

The petitioners/accused in S.C.No.128 of 2026 facing trial for the offence under Sections 341, 294(b), 506(ii), 352, 307 r/w. 109, 325, 326 r/w. 109, 34 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, filed this quash application.

2.The case of the prosecution is that the defacto complainant along with his wife and his friends LW2 to LW8 went to Radio Room Pub at MRC Nagar, Chennai. LW3/Roshini earlier had a love relationship with the first petitioner and later, started avoiding him. On 01.10.2023 when they were in the Pub at Radio Room at about 1.30 a.m. first petitioner came face to face with LW3, questioned LW3 as to why she is avoiding him and picked up a quarrel, at that time, defacto complainant and others intervened and they were about to exchange blows. The Pub owner pacified and separated them. Thereafter, to avoid further clash LW1 to LW8 left the Pub and then they went to Sehkmnet Club at Chamiers Road at about 3.00 a.m. Thereafter, A2

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to A5 went to Sekhmet Club, questioned defacto complainant and his friends and claimed that they were sent by A1, picked up quarrel, abused LW3, at that time, LW2 intervened, he was pushed down and punched on his face, others beaten badly all over the body. The defacto complainant who intervened was also assaulted hitting him on his head using a beer bottle by A2 causing blood injuries. Thereafter they got separated, both defacto complainant and LW2 injured sent in an auto to Hospital. The defacto complainant went to Venkateswara Hospital, Chamiers Road and took treatment. LW2 got admitted in Apollo Hospital, Teynampet. Thereafter, defacto complainant lodged a complainant to Sub-Inspector of Police, who registered FIR, visited the scene of occurrence, prepared observation mahazar and rough sketch. Since defacto complainant on 01.10.2023 at early morning felt continuous pain, went to Government Hospital, Royapettah for treatment. A2 arrested on 04.10.2023 in the presence of LW15 and LW16, recorded confession which disclosed involvement of other accused. In this case LW9 to LW11 bouncers and bar incharge, LW12/Wallet Driver who all stated about the incident happened in the Bar. LW13 and LW14 witnesses for observation mahazar and rough sketch. LW18/Doctor attached to Venkateswara Hospital treated defacto



complainant and issued Accident Register. LW19/Doctor attached to Government Hospital, Royapettah who further treated the defacto complainant. LW20/Doctor in Apollo Hospital who treated LW2, the other injured witness. LW21/Sub-Inspector of Police, who registered FIR. LW22 and LW23 are the Investigating Officers. On completion of investigation, charge sheet filed listing witnesses LW1 to LW23 and documents.

3.The contention of the learned counsel for the petitioners is that the admitted position is that the first petitioner and LW3 were friendly and had close relationship, but later LW3 without no reasons moved away started avoiding first petitioner. On 01.10.2023 at about 1.30 a.m. petitioners were in a Pub and on seeing LW3 in close quarter with others, first petitioner got agitated and questioned her. Thereafter, the defacto complainant, LW3 and others in total nine of them continued to have fun and went to another Pub called Sekhmet Club at Chamiers Road. There durign the dance there was some dashing, heated arguments and push and pull. This incident now projected as though the first petitioner sent A2 to A5 to question LW3 about her behaviour and attitude. Admittedly the first petitioner was not present when the second incident took place at Sekhmet Club, Chamiers Road.

During the second incident, it is stated that the defacto complainant and



LW2 were attacked by second petitioner and others. The admitted position is that A2 to A5 are strangers to LW1 to LW9 and not known to each other.

Then how the name of the petitioners found in the complaint and FIR causes suspicion. In this case, except for A2, all others obtained anticipatory bail and there is no identification parade conducted to confirm the participation of the petitioners/accused. The identification parade gains importance in this case since the other projected witnesses to the incident, namely, LW8 to LW12, the bouncers, bar incharge and wallet driver of Sekhmet Club, who claim that on hearing the noise and skirmish in the first floor, they went and separated both fighting groups and two of the injured sent to Hospital. But none of them stated about the presence or attack by the petitioners. In this case, the arrest of A2 is also highly doubtful. The witness to the arrest and confession confirm Police informed about one person arrested, kept in the Police Station and thereafter, they went to the Police Station and in their presence, confession recorded. In this case, Doctors who treated the defacto complainant, namely, LW18 and LW19 in their Accident Registers four unknown persons assaulted in the Sekhmet Club and it is also recorded one of his friends pushed him whereby he fell from the staircase and sustained lacerated wounds over the occipital region. Further from the Accident



register issued by LW20/Doctor of Apollo Hospital, it is seen that the Doctor give opinion as undisplaced fracture in left maxilla, undisplaced fracture of nasal bone and lacerated wound in upper nose, lip and soft tissues swelling. This can happen during push and pull and fall from the staircase which is now projected against the petitioners. The statement of bar witnesses confirms that there was exchange of heated words, push and pull. Considering the statement of witnesses and from the above, it cannot be stated that offence under Section 307 IPC or 326 IPC is made out. Further, the medical report not supported with any x-ray, scan or any other report to confirm the grievousness of the injuries. Be that as it may, the learned counsel submitted that now the issue between the petitioners, defacto complainant, other injured witness/LW2 and LW3/Roshni resolved the dispute between them amicably and filed affidavit confirming that now the defacto complainant and victims of the case not inclined to proceed against the petitioners.

4.The learned Additional Public Prosecutor submitted that on 01.10.2023 the defacto complainant along with his wife and friends including the victims Roshini/LW3 and Amarnath/LW2 visited Radio Room pub at MRC Nagar where the first petitioner who was previously had



relationship with LW3 started avoiding him, on seeing her questioned and abused her. The first petitioner used filthy language, the defacto complainant and his friends intervened and there was exchange of heated words. The Pub owner separated them and all left the Pub. Thereafter, the defacto complainant and his friends went to Sekhmet Club at Chamiers Road. In the said club, A2 to A5 came there and informed that they were sent by the first petitioner/A1 to question the rude behaviour of LW3. A2 attempted to assault LW3, LW2 intervened, there was exchange of blows, A2 pushed down and punched LW2 on his face and he sustained grievous injury. Further, A2 hit the head of the defacto complainant with a beer bottle. Thereafter, the defacto complainant lodged a complaint and case in Crime No.268 of 2023 registered for the offence under Sections 294(b), 324, 326 and 506(ii) IPC. During the course of investigation, offences altered to Sections 341, 294(b), 506(ii), 352, 307 r/w. 109, 325, 326 r/w. 109, 34 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. On completion of investigation, charge sheet filed. He confirmed that now defacto complainant and the victims, namely, LW2 and LW3 arrived at a compromise and produced the compromise affidavit confirming that issue resolved between them.



5.Considering the submissions made and on perusal of materials, it is not in dispute that incident happened were in a Pub while petitioner and defacto complainant and his friends were relaxing and dancing, at that time, there was some accidental stamping and push, at that point of time it was felt that the act was purposeful, it was questioned, heated words exchanged and there was push and pull, later all realizing the mistake all concentrating on their respective career and growth resolved not to precipitate the issue and to give quietus to the fight which took place in a Pub at wee hours.

6.The petitioners and the defacto complainant appeared in person, LW2 and LW3 appeared through video conferencing. In this case, the first petitioner is a businessman, second petitioner running a Canteen, third petitioner employed in an International Airways, fourth petitioner a Realtor and the fifth petitioner is into business. The defacto complainant a Doctor by profession but into business, LW2 and LW3 are also into business. All agreed and admit that the incident took place in a Pub during wee hours and a small stamping and accidental touch got magnified doubting it to be with motive and there was push and pull and exchange of blows and injuries sustained and now both realized that all are in the middle of their career,



doing well in their respective business and profession, not get distracted, loose their life continuing to fight with each other and realizing the reality now come forward to resolve the issue amongst themselves.

7.Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., is inclined to quash the proceedings in S.C.No.128 of 2023 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai.

8.The petitioners to show their bonafide were ready to compensate the victims. When the victims were offered compensation, the victims informed they took treatment by their own and not willing to take any compensation instead the amount can be used for any welfare measures.



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9. In view of the above, the petitioners are directed to pay a sum of Rs.50,000/- each, in total Rs.2,50,000/-, to Madras Advocate's Co-operative Society Limited Canteen and file a memo to that effect. Accordingly, the petitioners paid a sum of Rs.2,50,000/- to Madras Advocates Co-operative Society Limited by way of Demand Draft vide DD.No.005891 dated 30.03.2026 drawn on HDFC Bank which was received by the Madras Advocate's Co-operative Society Limited vide Receipt No.549 dated 30.03.2026. A scanned reproduction of the memo along with the Demand Draft and receipt is as follows:



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**COMPLIANCE MEMO FILED ON BEHALF OF THE
PETITIONERS/ACCUSED.**

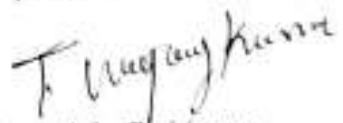
It is respectfully submitted on behalf of the petitioners/accused as follows:

1. In the above matter, on 27.03.2026, while passing orders in the above matter, this Hon'ble Court was pleased to direct the petitioners to pay a sum of Rs.50,000/- each in all a sum of Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) to the Madras Advocate's Co-op. Society Ltd., (Chennai) X-146, Canteen and to furnish the proof of compliance.

2. In compliance of the above said directions, the petitioners had paid the said sum of Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) by a Demand Draft and the xerox copy of the receipt is filed herewith along with this Memo.

It is therefore prayed that this Hon'ble Court may be pleased to permit the counsel for the petitioners/accused to file this Compliance Memo on behalf of the petitioners/accused along with the Xerox copy of the receipt issued by the recipient and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Dated at Madras on this the 30th day of March, 2026.


Counsel for Petitioners.



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HDFC BANK	AC PAYEE ONLY NOT NEGOTIABLE	DEMAND DRAFT	VALID FOR 3 MONTHS ONLY
PAYABLE AT PAR AT ALL BRANCHES OF HDFC BANK LTD			3 000 3 12 10 26 ✓
DEMAND PAY**** MADRAS ADVOCATE'S CO-OP. SOCIETY LTD. *****			Or Ord
Rupees			ரூபாய் மட்டும்
₹ TWO LAKH FIFTY THOUSAND ONLY.			
V THEIVANATHAN KOTIVAKKAM CHENNAI - 600041 REF No. 00500340360			₹ 2,50,000.00 FOR VALUE RECEIVED <i>A. Chellu</i> 832381 <i>Prabhakaran</i> 832381 AUTHORISED SIGNATORIES Please sign above
005891 6002400201 9999901 16			

cheque/0.2
Received on 30.3.26.
M. Jigambay
[Signature]





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549

நாள் 30/3/2026
Date

சென்னை வழக்கறிஞர்கள் கூட்டுறவு சங்கம் வரையறை
Madras Advocate's Co-operative Society Limited

பதிவு எண். Regd. No. X 146

விவரம் Particulars	தொகை Amount ரூ. கரக Rs. P.
இனம் / வகை In the High Court of Judicature at Madras - Crl O.P. no 5081/2026 Tivitesh Raja & 4 others Vs state, rep, by Inspector of police E4. Abhiramapuram police station, Chennai & another. In the above matter on 27.3.2026 while passing order in the above matter His Lordship Mr. Justice M. Rajmalkumar was pleased to direct the five petitioners viz. 1. Tivitesh Raja 2. A. Sudarshan 3. V. Rockish A. K. V. Ahmed Shait Shah 4. Vinodh to pay a sum of Rs 50,000 each in a sum of Rs 2,50,000 Received as per திரு. T. V. Kumar no 00 5891 து. 30/3/26.	

ரூபாய்

மேலே

குறிப்பிட்ட இன்ன விவரப்படி பெற்றுக் கொள்ளப்பட்டது.



M. சிபி முகர்ஜன்
செருத்தர்



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10. Since during summer vacation, no salary is being paid to the employees in Madras Advocate's Cooperative Society Canteen, High Court, Madras, the deposited amount of Rs.2,50,000/- can be utilised for paying subsistence allowance to the needy employees of the canteen. Hence, the Deputy Registrar (Non-Credit), Cooperative Society to take a decision in this regard and instruct the concerned Special Officer to pass appropriate resolution in that regard.

11. Accordingly, the Criminal Original Petition stands allowed and as a sequel, the case in S.C.No.128 of 2023 on the file of the learned XIX Additional Sessions Judge, City Civil Court, Chennai is quashed against the petitioners. Consequently, connected miscellaneous petition is closed.

27.03.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The Inspector of Police,
E-4 Abiramapuram Police Station,
R.A.Puram, Chennai – 600 028.
- 2.The XIX Additional Sessions Judge,
City Civil Court,
Chennai.
- 3.The Deputy Registrar (Non-Credit)
Cooperative Society,
No.48/39, 4th Floor,
Wavoo Mansion, Rajaji Salai,
Chennai – 600 001.
- 4.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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