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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.11.2026

PRONOUNCED ON : 18.11.2026

CORAM:

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

Crl.O.P.Nos.12213 & 13606 of 2025
and Crl.M.P.Nos.8158, 8161, 9025 & 9026 of 2025

CNR: {HCMA010797202025}

Crl.O.P.No.12213 of 2025 :-

Case QR

1. Manogaran,
   Assistant Commisiononer of Police,
   City Crime Branch,
   Coimbatore City.
   Residential Address,
   No.50, New Deepan Gardens,
   VSK Nagar, K.Vadamadurai,
   Coimbatore-643 107.

2. Ranjith Kumar
   S/o.S.Rajaiah,
   Deputy Superintendent of Police,
   Aliyar Police Station,
   Coimbatore District.
   Residential Address,
   42, Kandhasamy Layout Pappanayakken
   Palayam, Coimbatore-641 037.

3. Shajhahan
   Special Sub Inspector,
   Madukarai Police Station,
   Madukarai,
   Coimbatore District.
   Residential Address,
   16/1, Birundavan Circle,
   Kuniyanuthur, Coimbatore-641 008.

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...Petitioner(s)

Vs

The State Rep by its,
The Inspector of Police CB-CID,
Coimbatore.

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records of the final report bearing C.C. No.1040 of 2024 pending on the file of the Chief Judicial Magistrate, Coimbatore and quash the same.

Crl.O.P.No.13606 of 2025 :-

CNR: {HCMA010978452025}

K. Thangapandiyan,
S/o. Kanchivanam,
Assistant Commissioner Of Police,
Thillai Nagar Range,
Tirchy City.

Case QR

...Petitioner(s)

Vs

The Inspector Of Police,
CBCID OCU,
Coimbatore,
Coimbatore District.
Crime. No. 1 of 2020

...Respondent(s)

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the criminal case in C.C.No.1040 of 2024 on the file of the learned Chief Judicial Magistrate Coimbatore quash the same so far as the petitioner is concerned by allowing this Criminal Original Petition.

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For Petitioner(s) in Crl.O.P.No.12213 of 2025: Mr. Sankar Narayanan, Senior Counsel For Mr. Pramodh Kumar

For Petitioner(s) in Crl.O.P.No.13606 of 2025: Mr. P.L. Narayanan, Senior Counsel For Mr. E. Hariharan

For Respondent(s) in both Crl.O.Ps. : Mr. A. Amarnath Additional Public Prosecutor

COMMON ORDER

Both the petitions have been filed seeking to quash the proceedings in C.C.No.1040 of 2024, pending on the file of the learned Chief Judicial Magistrate, Coimbatore, thereby taken cognizance for the offences punishable under Sections 342, 343, 348, 330 and 167 of the IPC against the petitioners.

2. The petitioners in Crl.O.P.No.12213 of 2025 are arrayed as A1, A5 and A4, respectively, while the petitioner in Crl.O.P.No.13606 of 2025 is arrayed as A2. The case of the prosecution is that the Deputy Superintendent of Police, Perur Sub-Division, constituted a special team comprising A1 and A3 to A6 to apprehend the accused persons in Kerala in connection with the case registered in Crime No.583 of 2016 on the file of the Inspector of Police, Madukarai Police Station, and to secure the accused persons involved in Crime No.301 of 2017 on the file of the Inspector of Police, Vadavalli Police Station. Accordingly, the special

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team proceeded to Kerala on 10.04.2018 and apprehended three persons, namely, Yogesh, Tinson and Dhanush. After apprehending them, they were brought to Coimbatore and secretly detained at the house of one Sathasivam, situated at Santhosh Nagar, Ettimadai. It is alleged that, on the instructions of A2, they were wrongfully confined until 14.04.2018 for the purpose of extracting confessional statements by causing them hurt.

3. Subsequently, the said Yogesh and the other two persons were implicated as accused in Crime No.128 of 2018, registered for the offence punishable under Section 392 of the IPC, on the complaint lodged by one Shahul Hameed. Thereafter, they were remanded to judicial custody on 14.04.2018. Subsequently, one of the accused, namely, Yogesh, died on 21.04.2018 while in the Central Prison, Coimbatore. Based on the complaint lodged by the Superintendent of the Central Prison, Coimbatore, an FIR was registered in Crime No.368 of 2018 on the file of the Inspector of Police, Race Course Police Station, Coimbatore. Thereafter, the said FIR was transferred to the respondent police, and a fresh FIR was registered in Crime No.1 of 2020 under Section 176 of the Cr.P.C.

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4. During the course of investigation, the respondent police found that the petitioners and the other accused had conspired together to apprehend the persons involved in the alleged looting of hawala transaction money belonging to the complainant, namely, Shahul Hameed. However, they had not registered any FIR and had decided to apprehend one Kodali Sridhar and his associates in connection with the alleged looting of the hawala transaction money, in violation of the proceedings dated 08.04.2018 issued by the Deputy Superintendent of Police. Thereafter, on 10.04.2018, A1 and A3 to A6 proceeded to Kerala without obtaining any relevant warrant or permission to stay in another State. They instructed one Sikab to wait for them at Palakkad and proceeded there in an Innova car bearing Registration No.TN66H6756. They travelled without wearing their police uniforms. Upon reaching Palakkad, they met Sikab and followed him in their vehicle to Thrissur. There, Sikab identified the accused Yogesh, who was apprehended by the petitioners and taken into their custody. Subsequently, they also apprehended the other accused, namely, Tinson and Dhanush, without registering any FIR in respect of their apprehension.

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5. Thereafter, the petitioners herein brought the apprehended persons through the Walayar Check Post, where A2 was stationed at Ettimadai. A2 instructed the petitioners to take the apprehended persons to the house of one Sadasivam at Ettimadai. Accordingly, all the apprehended persons were taken to the said house and wrongfully confined by the petitioners. On the following day, i.e., 11.04.2018, based on the information furnished by the apprehended persons, the police team headed by A1, along with the other accused, again proceeded to Kerala in an Innova car belonging to one Shahul Hameed to search for the other accused persons. On 13.04.2018, they apprehended two other persons, namely, Sheriff and Manikandan, in connection with the same case, without registering any FIR, and brought them to the house of Sadasivam. They were also wrongfully confined in the said house. Thus, all the persons were allegedly kept in wrongful confinement from 10.04.2018 to 14.04.2018 for the purpose of extracting confessional statements and recovering the stolen property. During the said period, the petitioners allegedly tortured the apprehended persons and voluntarily caused hurt to them, as a result of which one of them, namely, Yogesh, sustained injuries.

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6. Thereafter, on 13.04.2018, the accused persons, through Sikab, informed Shahul Hameed to come to the Madukkarai Police Station. Subsequently, they obtained a fresh complaint from him and registered an FIR in Crime No.128 of 2018 for the offence punishable under Section 395 of the IPC, as though the occurrence had taken place only on 13.04.2018. They also allegedly fabricated records to show that the five persons had been arrested only on 14.04.2018. Thereafter, their confession statements were recorded, and they were remanded to judicial custody. Upon completion of the investigation, the respondent police filed the final report, which was taken cognizance of by the Trial Court in C.C.No.1040 of 2024 for the offences punishable under Sections 342, 343, 348, 330 (three counts) and 167 of the IPC. Aggrieved by the same, the petitioners have filed the present petitions seeking to quash the criminal proceedings.

7. The learned Senior Counsel appearing for the petitioners in Crl.O.P.No.12213 of 2025 submitted that, following the demise of Yogesh, his wife had lodged a complaint before the State Human Rights Commission, Tamil Nadu. By an order dated 19.12.2024, passed in SHRC Case Nos.3001, 4044 and 5231 of 2018, the State Human Rights Commission concluded that, except accused Nos.1, 4 and 5, the other

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accused had illegally detained the deceased Yogesh and brutally assaulted him, thereby causing injuries and resulting in a violation of his human rights. The Commission further held that accused Nos.1, 4 and 5 were not responsible for the alleged acts and dismissed the complaint insofar as they were concerned. It also directed the other accused, namely, respondents 4 to 7 therein, to pay compensation of Rs.5,00,000/- and ordered the initiation of disciplinary proceedings against them. Therefore, the learned Senior Counsel submitted that accused Nos.1, 4 and 5 had no role in the alleged offences and that the proceedings initiated against the petitioners, insofar as they are concerned, are liable to be quashed.

7.1. The learned Senior Counsel further submitted that, even according to the prosecution, there is not even an iota of evidence to establish that A1, A4 and A5 were either involved in or present at the time of the arrest of the persons concerned in Crime No.583 of 2016, registered on the file of the Inspector of Police, Madhukarai Police Station, and Crime No.301 of 2017, registered on the file of the Inspector of Police, Vadavalli Police Station. No witness has spoken about any specific overt act attributed to A1, A4 and A5. He further contended that the essential ingredients constituting the offence under Section 342 of

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IPC have not been made out, even prima facie, by the prosecution. In particular, there is no material to establish that the complainant was unlawfully restrained, that any obstruction was caused, that such obstruction prevented the complainant from proceeding in a particular direction, or that the complainant had a lawful right to proceed in that direction. Therefore, he submitted that the charge under Section 342 of IPC is wholly unsustainable.

7.2. Insofar as the offence under Section 343 of IPC is concerned, the learned Senior Counsel submitted that the prosecution has failed to establish that A1, A4 and A5 had voluntarily wrongfully confined any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits. He further submitted that, even with regard to the other offences alleged, there is absolutely no material to show that A1, A4 and A5 had caused any injury to anyone or assaulted anyone. Thus, there is no material whatsoever to make out even a prima facie case against them to warrant the continuation of the criminal proceedings. In fact, the statements recorded under Sections 161 and 164 of Cr.P.C., do not lend any support to the prosecution case. He further pointed out that, even according to the prosecution, the accused

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persons were arrested only during the night of 13.04.2018 and not on 10.04.2018, as alleged. The inherent contradictions, improbabilities and illogical sequence of events in the prosecution case, according to the learned Senior Counsel, clearly demonstrate that the prosecution has failed to make out a prima facie case against A1, A4 and A5. In such circumstances, he submitted that permitting the criminal proceedings to continue against them would be an abuse of the process of law and, therefore, the same are liable to be quashed.

8. The learned Senior Counsel appearing for the petitioner in Crl.O.P.No.13606 of 2025 submitted that, even according to the prosecution case, the second accused was not present at any point of time during the alleged occurrence. The specific case of the prosecution is that, except A2, the other accused persons had travelled to Kerala to secure the accused persons involved in the case. In fact, the persons involved in Crime No.128 of 2018, registered for the offence punishable under Section 395 of IPC, were arrested and remanded to judicial custody on 14.04.2018. He further submitted that A1 and A3 to A6 were members of the Special Investigation Team constituted by the Deputy Superintendent of Police vide communication dated 08.04.2018. The second accused

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came into the picture only on 13.04.2018. Therefore, no specific charge is made out against him.

8.1. He further submitted that, on 14.08.2018, one Shahul Hameed lodged a complaint before the third respondent, alleging that he and his friend Subair were returning from Kerala on 13.04.2018, when they were intercepted by the accused persons at about 8.00 p.m. near the Madukkarai Wooden Bridge. They were allegedly threatened at knife point and forced to sit in the rear seat of a car. Thereafter, they were taken towards Palakkad Road, where the accused persons allegedly robbed them of a sum of Rs.3,00,000/- at knife point. Based on the said complaint, an FIR was registered against the said Yogesh and others in Crime No.128 of 2018 for the offences punishable under Sections 395, 397 and 120-B of IPC. Upon completion of the investigation, the final report was filed, and the case is now pending trial in S.C.No.197 of 2024.

8.2. The learned Senior Counsel further submitted that the order passed by the State Human Rights Commission was also challenged before this Court, and an order of stay was obtained. Therefore, according to the learned Senior Counsel, the findings of the State Human Rights

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Commission have no bearing on the present case. He further contended that the said Yogesh died due to "Acute Myocardial Infarction" and that the medical opinion also indicated that the death was natural. Therefore, no offence is made out against A2, and the continuation of the criminal proceedings against him would be wholly unwarranted. Hence, the entire proceedings, insofar as A2 is concerned, are liable to be quashed. In support of his contentions, he placed reliance on the judgment of the Hon'ble Supreme Court of India reported in ***MANU/SC/0847/2023***, in ***Mohamood Ali and Others v. State of U.P. and Others***, wherein it was held that, while considering whether the allegations in a complaint disclose the commission of an offence, it is essential to distinguish between a case where there is no legal evidence, or where the evidence available is clearly or manifestly inconsistent with the accusations made, and a case where legal evidence is available, but its appreciation may or may not ultimately support the accusations.

9. The learned Additional Public Prosecutor appearing for the respondent filed a counter-affidavit and submitted that there is clinching evidence available on record to establish the commission of the offences by all the accused persons. He further submitted that this Court had already dismissed the quash petition filed by the third accused, who had

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registered the FIR at the instance of the second accused, in Crl.O.P.No.22575 of 2026, by an order dated 13.08.2026. Therefore, he contended that the present petitions seeking quashing of the criminal proceedings are devoid of merits and prayed for dismissal of both the quash petitions.

10. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

11. There are six accused in total, of whom the petitioners in both the petitions are arrayed as A1, A2, A4 and A5. The third accused had already filed a petition seeking quashing of the criminal proceedings in Crl.O.P.No.22575 of 2026, which was dismissed by this Court by an order dated 13.08.2026. Upon perusal of the statement recorded under Section 164 of Cr.P.C. from one Krishnanathan and the statements recorded under Section 161 of Cr.P.C. from Mohammed Shihab Ali and Anoop, Sub-Inspector of Police, Varathirappalli, it is seen that their statements lend support to and corroborate the prosecution version that the deceased Yogesh, Tinsion and Dhanush were secured on 10.04.2018 itself. This fact is further corroborated by the General Diary entry maintained at the Varathirappalli Police Station in Kerala. The same is

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also supported by the statement of one Sathasivam, who stated that the third accused had obtained the key to his house situated at Santhosh Nagar, Ettimadai, where the persons who had been secured were allegedly wrongfully confined. This circumstance also finds corroboration in the statement recorded under Section 164 of Cr.P.C. from Krishnanathan.

12. Further, on 10.04.2018, the Deputy Superintendent of Police, Perur, issued proceedings constituting a Special Investigation Team comprising A1 and A3 to A6, for the purpose of securing the accused persons involved in Crime No.583 of 2016, registered on the file of the Inspector of Police, Madukkarai Police Station, wherein the accused Kodali Sridhar and Kannan were absconding, and arresting the accused persons involved in Crime No.307 of 2017, registered on the file of the Inspector of Police, Vadavalli Police Station, wherein the accused John Basha, Mohammed Shami and Lakshmanan were involved. Therefore, A1 to A6 had acted in concert and conspired to secure the persons allegedly involved in the robbery of the hawala transaction money belonging to Shahul Hameed and Subair. However, the complaint lodged by Shahul Hameed and Subair regarding the alleged robbery had not been registered as an FIR at that point of time.

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13. Accordingly, A1 and A3 to A6 proceeded to Kerala on 10.04.2018 without obtaining the requisite warrants or permission for undertaking the investigation in another State. They had also instructed one Sikab to wait for them at Palakkad. The accused persons travelled to Palakkad in an Innova car bearing Registration No.TN66H672, wearing civil clothes. They identified the deceased Yogesh near Shabir Fish Shop and took him along with them. Thereafter, they also secured Tinson and Dhanush, who were allegedly involved in the robbery of the hawala transaction money. All the three persons were brought through the Walayar Check Post, where A2 was waiting at Ettimadai. A2 instructed the police team to take the persons so secured to the house belonging to one Sathasivam, situated at Santhosh Nagar, Ettimadai. Accordingly, they were taken to the said house and wrongfully confined therein.

14. Thereafter, the accused persons once again proceeded to Kerala in a car belonging to Shahul Hameed in search of the other accused persons. During the said search, they secured two other accused persons, namely, Sheriff and Manikandan, and brought them to the house of Sathasivam at Santhosh Nagar, Ettimadai. All the secured persons were allegedly wrongfully confined in the said house until 13.04.2018. Thus,

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the accused persons had committed the offences punishable under Sections 343 and 348 of IPC.

15. All the secured persons were wrongfully confined and subjected to torture by voluntarily causing hurt, with the intention of extorting confessions from them and compelling them to restore the property allegedly robbed. Therefore, the accused persons had also committed the offence punishable under Section 330 of IPC. The accused persons, through one Sikab, instructed Shahul Hameed to come to Madukkarai Police Station on 13.04.2018 and lodge a complaint. Accordingly, Shahul Hameed appeared before the said Police Station and lodged a fresh complaint. On receipt of the said complaint, A2 registered an FIR in Crime No.128 of 2018, projecting the occurrence of robbery of the hawala transaction money as having taken place only on 13.04.2018. Thereafter, the persons who had already been secured were formally shown as arrested only on 14.04.2018, and their confession statements were recorded. Thus, all the accused persons had fabricated the official records by manipulating the date and circumstances of arrest, thereby committing the offence punishable under Section 167 of IPC.

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16. Further, the State Human Rights Commission, in its findings, held that the deceased Yogesh had been kept in illegal custody and was brutally assaulted by the accused persons, thereby sustaining injuries. However, the Medical Board, upon examination, opined that there was no evidence to suggest that the death of the deceased was attributable to any cause other than natural causes. Hence, there are specific allegations and clinching materials available on record to prima facie attract the offences punishable under Sections 342, 343, 348, 330 and 167 of IPC against all the accused persons. Therefore, the judgments relied upon by the learned Senior Counsel for the petitioners are not applicable to the case on hand.

17. It is relevant to rely upon the judgment reported in ***2019 (4) SCC 351*** in the case of ***Devendra Prasad Singh Vs. State of Bihar & Anr., (Crl.A.No.579 of 2019*** *dated* ***02.04.2019)*** while dealing with the petition to quash the entire criminal proceedings, the Hon'ble Supreme Court of India held that the High Courts have no jurisdiction to appreciate the statement of the witnesses and record a finding that there were inconsistencies in their statements and therefore, there was no *prima facie* case made out as against the accused. It could be done only by the trial Court while deciding the issues on the merits or/and by the Appellate Court while deciding the appeal arising out of the final order that the

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charge sheet has been laid on the basis of the inconsistency statement under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

18. Further, the Hon'ble Supreme Court of India in the case of ***Central Bureau of Investigation Vs. Arvind Khanna, (Crl.A.No.1572 of 2019*** dated ***17.10.2019***) reported in ***2019 (10) SCC 686,*** held that the High Courts cannot record the findings on the disputed facts. The defence of the accused is to be tested after appreciation of evidence by the trial Court during the trial. Therfore, this Court has no power to consider the disputed facts under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

19. The Hon'ble Supreme Court of India in another judgment dated **02.12.2019** passed in ***Crl.A.No.1817 of 2019*** in the case of ***M.Jayanthi Vs. K.R.Meenakshi & anr,*** held that while considering the petition for quashment of complaint or charge sheet, the Court should not embark upon an enquiry into the validity of the evidence available. All that the Court should see is as to whether there are allegations in the complaint which form the basis for the ingredients that consititue certain offences complained of. Further, the Court can also see whether the preconditions requisite for taking cognizance have been complied with or

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not and whether the allegations contained in the complaint, even if accepted in entirety, would not consititue the offence alleged. Whether the accused will be able to prove the allegations in a manner known to law would arise only at a later stage i.e., during trial.

20. Further, at this stage, this Court is not inclined to render any finding as to whether the initiation of the criminal proceedings was actuated by malice or was otherwise malicious. Such an issue would necessarily require consideration of the relevant facts and circumstances, which can be appropriately examined only at the conclusion of the trial. Consequently, the grounds raised by the petitioners to quash the final report/charge sheet cannot be entertained.

21. In view of the foregoing discussions, this Court is not inclined to quash the proceedings in C.C.No.1040 of 2024, pending on the file of the learned Chief Judicial Magistrate, Coimbatore. Accordingly, both the Criminal Original Petitions stand dismissed. Consequently, the connected miscellaneous petitions are also closed.

18..11.2026

Index : Yes/No
Neutral citation : Yes/No
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G.K.ILANTHIRAIYAN. J,

rts

To

1. The Chief Judicial Magistrate,
Coimbatore.

2. The Inspector of Police,
CBCID OCU,
Coimbatore,
Coimbatore District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

Common Order in
Crl.O.P.Nos.12213 & 13606 of 2025
and Crl.M.P.Nos.8158, 8161, 9025 & 9026 of 2025

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