



WEB COPY



CrI.O.P.No.20734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

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

CrI.O.P.No.20734 of 2023 and
CrI.MP.Nos.14195 & 14196 of 2023

1.Pradhaban
2.Elaiyaraja
3.Thooyavan
4.Mugilan
5.Naresh Kumar

... Petitioners

Vs.

1.State Represented by
The INSPECTOR OF POLICE,
Shevapet Police Station,
Salem District
2.The Sub Inspector of Police,
Shevapet Police Station,
Salem District
3.P.Rajalakshmi

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C.
praying to call for the entire records connected with the further
proceedings in CC.No.33 of 2023 by the learned Additional Mahila
Court(Magisterial Level) and quash the same.

For Petitioners : Mr.C.Rajaguru

For Respondents

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



Crl.O.P.No.20734 of 2023

For R2 : Ms.S.Sharan
for Mr.T.Ganesan

For R3 : Mr.T.Ganesan

ORDER

This criminal original petition has been filed praying to quash the proceedings in CC.No.33 of 2023 on the file of Additional Mahila Court(Magisterial Level), Salem

2. The case of the prosecution is that on 04.05.2022 at around 13:00 hrs, within the jurisdiction of the 1st respondent's Shevapet Police Station, Salem, the 2nd respondent, during the course of his duty, received a complaint from the *de-facto* complainant stating that on 03.05.2022 at around 10:00 hrs there was some difference of opinion within the temple previous administration and new administration with regard to the accounts of the temple. Due to the same, the petitioners herein on 04.05.2023 at around 09:00 hrs had attacked the *de-facto* complainant while she was in her shop and threw some plastic bottles out of her shop. Further, when the *de-facto* complainant asked the petitioners as to why they threw everything out, the petitioners replied that they would throw everything out as they are advocates and no one can



Crl.O.P.No.20734 of 2023

question them on the same. In this regard, FIR was registered in crime No.129 of 2022 under Sections 143, 294(b), 323, 427 & 506(b) of IPC and 4 of TNPHW Act. The same was taken on file as C.C.No.33 of 2023 by the learned Additional Mahila Court, Salem

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

4. All the petitioners are practicing advocates at Salem. For the very same occurrence, which occurred on 03.05.2022 at about 10 pm., another advocate one, Sathish lodged complaint and the same was registered in crime No.128 of 2022 for the offence under Sections 143, 294(b), 506(ii), 323 & 324 of IPC. After registration of FIR, subsequently the present complaint has been lodged by the third respondent and the same has been registered in crime No.129 of 2022. Investigation of the said FIR was completed and the first respondent filed final report and the same was taken cognizance in CC.No.256 of 2023 and it is pending for trial before the learned Judicial Magistrate-III, Salem. In the said proceedings, there are totally seven accused.

5. On perusal of the records and also on the submissions made



Crl.O.P.No.20734 of 2023

by the learned counsels for the petitioner and the third respondent, it is revealed that on 03.02.2020 at about 3.30 p.m., the first respondent detained the first petitioner's client by name G.Kannan demanding 4 kg silver by committing custodial torture. The first respondent also threatened that he will be booked under other cases, if the demand is not satisfied. However, the said Kannan did not incline towards their demand and as such, the first and second respondent foisted a case against the said Kannan by inducing a person by name Yuvasri, who is none other than a fellow competitor in the jewellery business. Therefore, the said Kannan gave 4 kg silver to the first and second respondents. Therefore, the petitioners herein caused legal notice to respondents 1 and 2 herein. Further, the said Kannan also lodged complaint before the Assistant Commissioner of Police. During the enquiry, respondents 1 and 2 were called for enquiry. Therefore, the first and second respondents, in order to wreak vengeance against the petitioners, with completely false allegations, registered FIR as if the petitioners had involved in an offence against the third respondent.

6. In fact, the complaint lodged by one of the advocates of the petitioners was registered in crime No.128 of 2022. In order to counter the said FIR, the first respondent registered another FIR on the complaint



CrI.O.P.No.20734 of 2023

of the third respondent in crime No.129 of 2022. Further, the own sister of the third respondent and her close relatives, encroached a common well which was used by the village people located at Dr.Ambedhkar Street, Salem by closing it and constructing steps on the top of the well for their own purpose. Therefore, the general public are not able to access the well for water. Therefore, the petitioners being advocates, are taking steps to lodge complaint to various authorities to remove the encroachments made by the third respondent's close relatives. Therefore, on 03.05.2022, advocate Mr.Sathish Kumar was threatened by the accused in crime No.128 of 2022 by confronting him and threatening to withdraw the complaints on the encroachment made by them. When he refused to do so, he was brutally attacked by that accused and they also snatched chain from him along with cash. He was taken to hospital for treatment and he was treated as inpatient. Consequent to the said occurrence, on 04.05.2022, the first petitioner was threatened to withdraw the complaint against the encroachment made by the third respondent's relatives. Thereafter at about 10 a.m., on the same day, when the petitioners went to temple, the third respondent and her relatives threatened them to withdraw the complaint against the encroachment. After knowing that FIR was registered against them, the third respondent lodged another complaint and the same has been registered in crime

Page 5 of 8



Crl.O.P.No.20734 of 2023

No.129 of 2022. Therefore, the entire proceedings initiated against the petitioners is with ulterior motive only to wreak vengeance against them.

Further, no injury was sustained by the third respondent and she was treated as out-patient and it was declared that the injuries sustained by her was simple in nature. Therefore, the evidence collected in support of the final report did not disclose commission of any offence and the same did not make out any case against the petitioners.

7. In view of the above discussion, this Court is inclined to quash the impugned proceedings. Accordingly, the entire proceedings in CC.No.33 of 2023 on the file of Additional Mahila Court(Magisterial Level), Salem, is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

13.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



Crl.O.P.No.20734 of 2023

WEB COPY

To

- 1.Additional Mahila Court(Magisterial Level), Salem
- 2.State Represented by
The INSPECTOR OF POLICE,
Shevapet Police Station,
Salem District
- 3.The Sub Inspector of Police,
Shevapet Police Station,
Salem District



WEB COPY



Crl.O.P.No.20734 of 2023

G.K.ILANTHIRAIYAN, J.

lok

Crl.O.P.No.20734 of 2023

13.03.2026