



Crl.O.P.No.31209 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31209 of 2025 and Crl.MP No.21896 of 2025

1. J.Vijay

2. M.Dhanalakshmi

... Petitioners

Vs.

The State represented by
The Sub Inspector of Police
S-9, Palavanthangal Police Station,
Chennai.
(Crime No.608 of 2020)

2. Ilavarasan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to quash the entire proceedings
in C.C.No.219 of 2022 on the file of the Judicial Magistrate Court No.I,
Alandur.

For petitioners : Mr.R.Sankarasubbu

For R1 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R2 : No Appearance



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4. Learned counsel for the petitioners made the following submissions:

4.1. The first petitioner/A1 was a college student residing in an apartment during COVID-19 pandemic. On 31.07.2020, a quarrel arose between the first petitioner/A1 and a Watchman in Pallavaram, during which, a mob had supported the watchman and started assaulting the 1st petitioner/A1. When the 1st petitioner/A1 attempted to escape from the clutches of the angry mob, he sustained fractures in both legs. The Pallavaram Police, without conducting a proper enquiry, registered a case against the 1st petitioner in Crime No.828 of 2020 for the offences under Sections 294(b), 323, 285 and 336 of IPC. Since the 1st petitioner/A1 suffered fracture, he was admitted to Rajiv Gandhi Government General Hospital and the second petitioner/A2 was taking care of him.

4.2. When things stood thus, on 03.08.2020, while the 1st petitioner/A1 was undergoing treatment, the first respondent police unlawfully took the petitioners into custody, seized their belongings and harassed them despite the medical condition of the first petitioner/A1 and they were later let to go back home.



4.3. While so, on 14.08.2020, the second petitioner/A2 was arrested while travelling in an auto rickshaw and the first petitioner/A1 was forcibly arrested from his home while he was bedridden. The police seized the jewels belonging to the petitioners branding them as stolen properties and they were illegally detained for 3 days in private lodges and tortured mentally and physically and forced to sign confession statements.

4.4. Two persons by name Sathish and Sivaraman were shown as witnesses to arrest, confession and recovery and later, the petitioners were remanded to judicial custody in Crime No.608 of 2020. At the time of remand on 16.08.2020 before the judicial Magistrate No.I, Alandur, the second petitioner/A2 narrated the fact of illegal custody and torture.

4.5. The learned Magistrate, after recording her retraction, altered the case against her to one under Section 411 IPC and she was treated for police assault in prison. Based on the very same confession said to have been recorded in the presence of Sathish and Sivaraman, the 1st petitioner was falsely implicated in Cr. No.35 of 2020 registered by S-9, Palavanthangal Police Station which later culminated into C.C.No.34 of 2021 and another case in Crime No.11 of 2020 registered by S-2 Airport Police Station which culminated into C.C.No.1110 of 2020.



4.6. Since the petitioners were kept in illegal detention and implicated in false cases, the second petitioner/A2 filed a complaint before the Tamil Nadu State Human Rights Commission in SHRC Case No.6240 of 2020 (custodial torture) and the SHRC recorded a finding of illegal custody and police torture and recommended for award of compensation of Rs.2,90,000/- to the second petitioner/A2.

4.7. Meanwhile, C.C.No.34 of 2021 and 1110 of 2020 came up for trial before the learned Judicial Magistrate No.I, Alandur and in both the cases, Sathish and Sivaraman were cited as witnesses for arrest, confession and recovery of articles from the petitioners. In both the cases, the trial Court, disbelieving the evidence of Sathish and Sivaraman, acquitted the petitioners *vide* separate judgments dated 22.06.2022.

4.8. When the trial Court had disbelieved the case of the prosecution in C.C. Nos.34 of 2021 and 1110 of 2020 and acquitted the petitioners and the very same witnesses have been shown as L.W.6 and L.W.7 in C.C.No.219 of 2022 seeking quashment of which this criminal original petition has been filed and when the alleged confession is common for all three cases and the witnesses are also common in all the cases, the impugned proceedings is liable to be quashed.



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4.9. Further, when the State Human Rights Commission has also rendered a finding of illegal detention and torture and recommended for award of compensation of Rs.2,90,000/- to the second petitioner/A2, this Court may read between the lines and take into consideration the attending circumstances as held by the Hon'ble Supreme Court in **Mahmood Ali and others vs. State of Uttar Pradesh and others**¹.

4.10. When the trial Court has disbelieved the evidence and acquitted the 1st petitioner in other two cases, no useful purpose will be served by allowing the present proceedings to continue.

5. Learned Government Advocate (Crl.Side) appearing for the first respondent opposed this petition and submitted that each case has to be considered depending on the facts and circumstances of the said case and since trial has commenced in this case, the proceedings cannot be interdicted.

6. Heard the learned counsel on either side and perused the materials placed on record.

¹ 2023 LiveLaw (SC) 613
6/12



7. Admittedly, the claim of the petitioners is that they were taken to illegal custody and subjected to harassment and thereafter, three cases were registered in Crime Nos.35, 11 and 828 of 2020. In all the cases, Sathish and Sivaraman were shown as witnesses of arrest, confession and recovery. The case in Crime No.35 of 2020 culminated into C.C.No.34 of 2021 and the trial Court, disbelieving the deposition of the witnesses for arrest, confession and recovery, had acquitted the first petitioner/sole accused *vide* judgment dated 22.06.2022 and so also in the case in C.C.No.1110 of 2020, the first petitioner/sole accused had been acquitted by the Trial Court *vide* judgment dated 22.06.2022. That apart, the case in Cr.No.825 of 2020 registered against the 1st petitioner/sole accused was also quashed by this Court in Crl.O.P.No.22033 of 2021 *vide* order dated 20.09.2022. Further, the State Human Rights Commission also, in the case filed by the second petitioner, *vide* order dated 27.05.2022, found that the respondents/police officials had violated the human rights of the second petitioner (A2) and recommended for a total compensation of Rs.2,90,000/- payable to the second petitioner by the police officials. In such circumstances, by reading between the lines the attending circumstances to this case as held by the Supreme Court in **Mahmood Ali**, *supra*, this Court is of the opinion that no useful purpose would be served by allowing the petitioners to face trial in C.C.No.219 of 2022, which would obviously result in acquittal.



8. Superadded, the Supreme Court, in a recent judgment in **R.Ashoka vs. State of Karnataka and others**², observed that though the parameters of the powers of quashing cases and proceedings under Section 482 Cr.P.C. are well-settled, the same must be re-appreciated with reference to certain cases. In **R.Ashoka, supra**, the Supreme Court noticed that the judgment in **Pradeep Kumar Kesarwani v. The State Of Uttar Pradesh**³, reiterated the steps laid down in **Rajiv Thapar v. Madan Lal Kapoor**⁴. The relevant paragraph from **R.Ashoka, supra**, is as under:

“12. III. Recently, this Court in *Pradeep Kumar Kesarwani v. The State Of Uttar Pradesh*, reiterated the steps laid down by this Court in *Rajiv Thapar v. Madan Lal Kapoor* to be taken by the High Court in exercising its quashing powers:

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr. P.C.:— (i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality? (ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false. (iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the 13 prosecution/complainant? (iv) Step four, whether proceeding with the trial would result in an abuse of

2 2025 SCC OnLine SC 2824

3 2025 SCC OnLine SC 1947

4 (2013) 3 SCC 330



process of the court, and would not serve the ends of justice?

*If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: *Rajiv Thapar v. Madan Lal Kapoor* (Criminal Appeal No. 174 of 2013))]*

(emphasis by way of underlining supplied in original)

(emphasis by way of italics made by this Court)

9. Now, let us apply the aforesaid four tests prescribed by the Supreme Court *qua* quashment of prosecutions by High Courts in exercise of their powers under Section 482 Cr.P.C., to the facts of this case. Before venturing into this exercise, it is worth pointing out that the petitioners have the benefit of two judgments of acquittal (alluded to in the preceding paragraph) in which Sathish and Sivaraman, who are the witnesses for arrest, confession and recovery in the instant case, were the witnesses, whose versions were disbelieved by the Trial Court. Furthermore, the order of the State Human Rights Commission (also alluded to in the preceding paragraph) also is to their advantage.



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10. Inasmuch the aforesaid materials, viz., judgments and order upon which reliance is placed by the petitioners are rendered by judicial fora, this Court need not consider each of the aforesaid four steps individually and it can safely be held that the petitioners have cleared all the four steps for quashment of the prosecution launched against them.

11. In view of the above discussion, the proceedings pending against the petitioners in C.C.No.219 of 2022, on the file of the Court of the Judicial Magistrate No.I, Alandur, is hereby quashed and as a sequel, this criminal original petition stands allowed. Consequently, the connected miscellaneous petition is closed.

25.02.2026

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To

1. The Judicial Magistrate No.I
Alandur
2. The Sub Inspector of Police
S-9, Palavanthangal Police Station,
Chennai
3. The Public Prosecutor
High Court of Madras



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A.D.JAGADISH CHANDIRA, J.

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