



Crl.OP(MD)No.1294 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.1294 of 2026

and

Crl.M.P.(MD)No.1340 of 2026

Jeyakumar

... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Karimedu Police Station,
Madurai District.
Crime No.996 of 2023

.... Respondent / Complainant

2. Munees Diwagar

..... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the charge sheet in C.C.No.2158 of 2024 pending on the file of the learned Judicial Magistrate V, Madurai and quash the same as against the petitioner.

For Petitioners : Mr.G.Karuppasamy Pandiyan

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)



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ORDER

The present Criminal Original Petition brings before this Court a narrow but significant question touching upon the true import of Section 224 IPC. The petitioner, a life convict, seeks quashment of the final report filed against him on the ground that mere escape from custody, without any allegation of resistance or obstruction to lawful apprehension, would not attract Section 224 IPC.

2. The petitioner attempts to derive support from the marginal heading of the provision, whereas the prosecution places reliance upon the substantive text of Section 224 IPC and contends that the provision consists of two distinct limbs, the second of which independently criminalises escape or attempt to escape from lawful custody.

Case of the Prosecution:

3. The petitioner is a life convict and was lodged in the Central Prison, Madurai, from 24.11.2016. According to the prosecution,



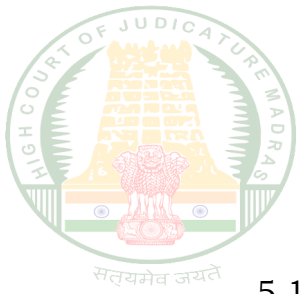
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owing to his good conduct inside the prison, the petitioner was deputed by the prison authorities to perform work outside the prison premises. On 29.11.2023, at about 3.00 p.m., the petitioner, along with two other convict prisoners, was engaged in maintenance work in the residential quarters of the jail officers. At that time, on the pretext of going to the bathroom, the petitioner allegedly escaped from the lawful custody of the prison authorities. It is further alleged that the petitioner was subsequently apprehended on 22.12.2023.

4. Based on the said occurrence, the respondent police registered the case and, after completion of investigation, filed the impugned charge sheet in C.C.No.2158 of 2024 on the file of the learned Judicial Magistrate No.V, Madurai, for the offence under Section 224 IPC, corresponding to Section 262 BNS. The petitioner is arrayed as the sole accused.

Grounds Raised for Quashment:

5. The petitioner seeks quashment of the impugned final report mainly on the following grounds:



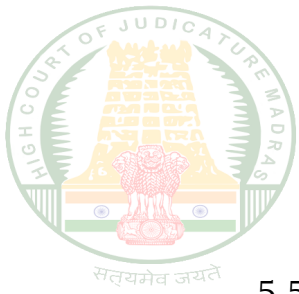
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5.1. Firstly, it is contended that the essential ingredients of Section 224 IPC are not attracted, since there is no allegation that the petitioner offered resistance or caused illegal obstruction to his lawful apprehension.

5.2. Secondly, it is submitted that even according to the prosecution, the allegation is only that the petitioner escaped while he was engaged in work outside the prison premises. According to the petitioner, mere escape, without resistance or obstruction, would not constitute an offence under Section 224 IPC.

5.3. Thirdly, it is contended that the factual allegations disclose, at the highest, negligence on the part of the prison officials who were entrusted with the custody of the petitioner.

5.4. Fourthly, it is alleged that the prosecution has been launched only to shield the prison officials from departmental or other consequences arising out of their negligence.



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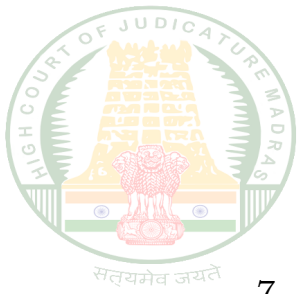
5.5. Fifthly, it is submitted that the prosecution has wrongly invoked Section 224 IPC, though the factual matrix does not satisfy the statutory requirements of the said provision.

5.6. Lastly, it is contended that even if the allegations in the final report are taken at their face value, they do not disclose the commission of the offence alleged, and therefore the case falls within the parameters laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***¹.

Submissions on either side:

6. The learned counsel for the petitioner submitted that the present prosecution is founded upon an erroneous understanding of Section 224 IPC. According to the learned counsel, Section 224 IPC must be interpreted in the light of its heading or marginal note, namely, "Resistance or obstruction by a person to his lawful apprehension."

¹ 1992 Supp(1) SCC 335



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7. Placing reliance upon the judgment of the Hon'ble Supreme Court in ***N.C.Dhondial vs. Union of India and others***², particularly paragraph 15, the learned counsel submitted that the heading or marginal note of a statutory provision may be relied upon to clear ambiguity and to ascertain legislative intent. It was therefore argued that when Section 224 IPC is read along with its heading, the essence of the offence is resistance or obstruction to lawful apprehension.

8. The learned counsel submitted that in the present case, there is no allegation whatsoever that the petitioner offered resistance or caused illegal obstruction to any prison official or police officer. The learned counsel further submitted that the prosecution cannot merely assert that the petitioner escaped. It must establish that he was in lawful custody at the relevant point of time.

9. It was submitted that even according to the prosecution, the petitioner had been taken for some work outside the usual place of confinement. Therefore, according to the learned counsel, the

2 (2004) 2 SCC 579



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prosecution must produce material to show that such assignment was lawful and that the petitioner continued to remain in lawful custody at that time. In the absence of such material, the learned counsel submitted that the very foundation of the charge under Section 224 IPC is absent. On these submissions, the learned counsel prayed that the charge sheet in C.C.No.2158 of 2024 may be quashed.

10. Per contra, the learned Government Advocate submitted that the argument advanced on behalf of the petitioner proceeds on an incomplete reading of Section 224 IPC. According to the learned Government Advocate, Section 224 IPC consists of two distinct limbs. The first limb deals with intentional resistance or illegal obstruction to lawful apprehension. The second limb deals with escape or attempt to escape from lawful custody.

11. The learned Government Advocate relied upon the judgment of this Court in ***In Re, Kulandaivelu and another***³, wherein Section 224 IPC was interpreted in detail. Referring to
3 AIR 1969 Madras 408



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paragraphs 3 and 4 of the said judgment, the learned Government Advocate submitted that the first part of Section 224 IPC requires proof that the accused was charged with or convicted of an offence, that his apprehension was lawful, and that resistance or illegal obstruction was intentional.

12. However, the second part of the provision requires only that the detention must be for an offence, that such detention must be lawful, and that the accused escaped or attempted to escape from such lawful custody. The learned Government Advocate further submitted that the word “intentionally” occurs only in the first part of Section 224 IPC and has been deliberately omitted in the second part. Therefore, according to the learned Government Advocate, for the offence of escaping from lawful custody, it is not necessary to prove separate resistance or obstruction.

13. Referring to paragraph 7 of ***In Re, Kulandaivelu and another***⁴, the learned Government Advocate submitted that lawful custody cannot be understood in a narrow physical sense. It was

⁴ Supra 3



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contended that once a person is lawfully detained, custody continues in law wherever he is taken under lawful prison authority, unless he is released in accordance with law.

14. The learned Government Advocate submitted that the petitioner is admittedly a life convict and was undergoing sentence. Therefore, his detention was lawful. The allegation that the petitioner escaped while performing work entrusted by the prison authorities, according to the prosecution, squarely attracts the second limb of Section 224 IPC.

15. The learned Government Advocate also relied upon the Division Bench judgment of the Bombay High Court in ***Virendrasingh Ramprakashsingh Khairwar vs. State of Maharashtra***⁵, wherein it was held that Section 224 IPC is wider than the narrow contention that only resistance or obstruction would attract the offence. It was submitted that escape from lawful custody independently attracts Section 224 IPC, and subsequent surrender or apprehension would not erase the offence. Therefore, the learned

⁵ 2022 SCC OnLine Bom 953



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Government Advocate prayed for dismissal of the Criminal Original Petition.

16. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for Consideration:

17. In the light of the rival submissions, the following point arises for consideration:

Whether the allegations in the final report, taken at their face value, disclose the offence under Section 224 IPC, and whether the charge sheet in C.C.No.2158 of 2024 is liable to be quashed in exercise of the inherent jurisdiction of this Court under Section 528 BNSS?

Statutory Framework:

18. Section 224 IPC reads as follows:



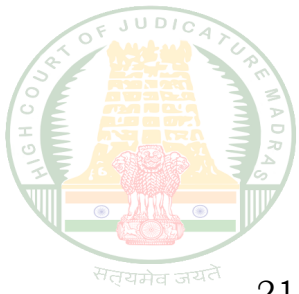
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“Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

19. The corresponding provision under the Bharatiya Nyaya Sanhita, 2023, is Section 262.

20. A plain reading of Section 224 IPC shows that the provision contains two parts. The first part deals with a person who intentionally offers resistance or illegal obstruction to his lawful apprehension. The second part deals with a person who escapes or attempts to escape from any custody in which he is lawfully detained for any offence with which he is charged or of which he has been convicted.



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21. The grammatical structure of the provision is important. The word “or” separates the two categories of conduct. The expression “intentionally offers any resistance or illegal obstruction” belongs to the first limb. The subsequent expression “escapes or attempts to escape from any custody in which he is lawfully detained” constitutes a separate and independent limb. Therefore, Section 224 IPC does not merely punish resistance or obstruction. It also punishes escape or attempt to escape from lawful custody.

Scope of Interference in Final Report Quash Matters:

22. Before examining the facts of the present case, it is necessary to remind oneself of the limits of the jurisdiction under Section 528 BNSS, corresponding to Section 482 Cr.P.C. In a petition seeking quashment of an FIR, the Court examines whether the allegations in the FIR, taken at face value, disclose the commission of a cognizable offence.

23. In a petition seeking quashment of a final report, the Court is entitled to look into the final report and the materials collected



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during investigation, but only for the limited purpose of finding out whether the ingredients of the alleged offence are disclosed. At this stage, the Court cannot conduct a meticulous appreciation of evidence. It cannot test the sufficiency, reliability or ultimate probative value of the materials.

24. The Court is not expected to hold a mini trial. If the allegations disclose the basic ingredients of the offence and require adjudication on evidence, the proceedings cannot be interdicted at the threshold. The principles laid down in ***State of Haryana v. Bhajan Lal***⁶ undoubtedly guide the exercise of inherent jurisdiction. However, the ***State of Haryana v. Bhajan Lal***⁷ categories are not weapons to terminate a prosecution merely because the accused disputes the prosecution version.

25. Quashment is justified only when the allegations, even if accepted in entirety, do not constitute any offence, or when the

⁶ Supra 1

⁷ Supra 1



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proceedings are manifestly attended with mala fides, or where continuation of the prosecution would amount to abuse of process.

Analysis:

26. The principal submission of the petitioner is that Section 224 IPC is attracted only when there is resistance or obstruction to lawful apprehension. This submission is founded substantially upon the heading of the provision. It is true that a heading or marginal note may, in a given case, assist the Court in resolving ambiguity. The judgment relied upon by the learned counsel for the petitioner, in ***N.C.Dhoundial vs. Union of India and others***⁸, does recognise that marginal notes or headings can be used as internal aids in appropriate circumstances.

27. However, such an aid cannot be used to cut down the plain and unambiguous language of the substantive provision. The heading of a section cannot override the body of the section. Where the words of the enactment are clear, the heading cannot be used to

⁸ Supra 2



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restrict their natural meaning. Section 224 IPC, in its substantive text, expressly uses the words “or escapes or attempts to escape from any custody in which he is lawfully detained.”

28. These words cannot be rendered otiose. To accept the petitioner’s submission would mean that the second limb of Section 224 IPC has no independent existence. Such an interpretation would be contrary to settled principles of statutory construction. A penal provision must undoubtedly be strictly construed. But strict construction does not mean that clear words of the statute should be ignored or reduced into redundancy.

29. The first limb of Section 224 IPC contemplates a situation where a person resists or obstructs his lawful apprehension. The second limb contemplates a different situation where a person, already in lawful custody, escapes or attempts to escape from such custody.



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30. The petitioner's case does not fall under the first limb. The prosecution does not allege resistance or obstruction. But that, by itself, is not decisive. The real question is whether the allegations attract the second limb of Section 224 IPC. The petitioner is admittedly a life convict. He was lodged in the Central Prison, Madurai. He was undergoing a sentence imposed by a competent Court. Therefore, his detention in prison was lawful.

31. The prosecution allegation is that on 29.11.2023, he was deputed for maintenance work in the residential quarters of jail officers along with two other convict prisoners, and that he escaped on the pretext of going to the bathroom. If this allegation is accepted at face value, the petitioner was not a free man. He was not at liberty to go wherever he pleased. He was not released by any judicial or statutory order. He was under prison authority.

32. Merely because he was engaged in work outside the immediate prison enclosure or outside the ordinary place of confinement, it cannot be said at the threshold that legal custody

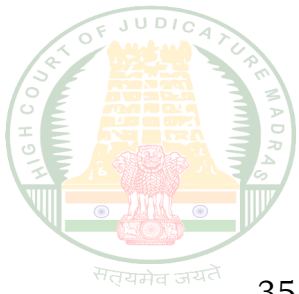


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had ceased. Custody, in criminal law, is not always synonymous with physical handcuffing or physical enclosure within four walls. A prisoner who is taken outside for lawful prison work, medical treatment, court production or other authorised purpose continues to remain in legal custody.

33. Lawful custody is a legal status. It does not evaporate merely because physical restraint is relaxed for administrative, humanitarian or institutional reasons. A convict undergoing sentence cannot transform himself into a free citizen by walking away from a place where he was lawfully taken by prison authorities.

34. The submission that the prosecution must produce material to show that the petitioner was lawfully assigned such duty is a matter which may arise during trial. At the stage of quashment, the prosecution case is that he was a life convict, lodged in prison, entrusted with work by prison authorities, and escaped therefrom. These allegations are sufficient to *prima facie* disclose lawful custody.

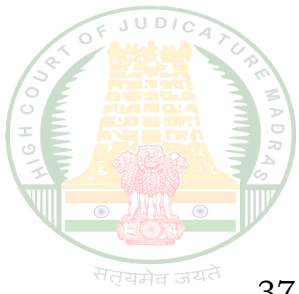


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35. Whether there was negligence on the part of prison officials is a separate matter. Even if prison officials were negligent, such negligence would not legally absolve the petitioner from the allegation of escape. Negligence of a custodian and culpability of a prisoner who escapes from lawful custody are not mutually destructive concepts. Both may co-exist. The possible departmental liability of prison officials does not obliterate the penal liability of a convict who allegedly escapes.

36. The petitioner's contention that the prosecution was launched only to shield prison officials is, at this stage, a matter of inference. No unimpeachable material has been placed before this Court to hold that the prosecution is manifestly mala fide. The reliance placed by the learned Government Advocate on ***In Re, Kulandaivelu and another***⁹ is apposite. The said decision explains the distinction between the two limbs of Section 224 IPC and recognises that escape from lawful custody constitutes an independent punishable act.

⁹ Supra 3



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37. The Division Bench judgment of the Bombay High Court reported in ***Virendrasingh Ramprakashsingh Khairwar vs. State of Maharashtra***¹⁰ also fortifies the position that Section 224 IPC is not confined only to acts of resistance or obstruction. The argument that there must be resistance or obstruction in every case under Section 224 IPC cannot be accepted, for it would make the words “escapes or attempts to escape from any custody” meaningless.

38. The expression “escapes” in the second limb is not dependent upon proof of violence, resistance or obstruction. The essence of the second limb is gaining liberty otherwise than by due process of law. The petitioner was a life convict. His custody was not casual, accidental or doubtful. It flowed from a judicial sentence. If he walked away from such custody without lawful permission, the allegation squarely falls within the second limb of Section 224 IPC.

39. The fact that he was apprehended later on 22.12.2023 does not efface the alleged offence. Subsequent apprehension may be relevant for sentence or factual appreciation, but not for quashing

¹⁰ Supra 5



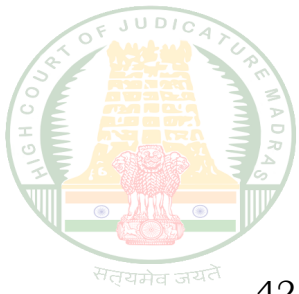
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the prosecution at the threshold. The offence, if otherwise made out, is complete when the accused escapes or attempts to escape from lawful custody.

40. This Court is also conscious that quashment of a final report in a matter involving escape by a life convict from prison custody requires circumspection. Prison discipline and lawful custody are not mere administrative arrangements. They are part of the criminal justice system.

41. When a convict undergoing sentence is entrusted with work on the basis of good conduct, such trust is institutional and conditional. If such a convict abuses that limited relaxation and escapes, the prosecution cannot be quashed merely on the ground that no overt act of resistance is alleged. Therefore, the contention that the ingredients of Section 224 IPC are absent is untenable.



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42. The petitioner relies upon the celebrated judgment in ***State of Haryana v. Bhajan Lal***¹¹. The ***State of Haryana v. Bhajan Lal***¹² principles empower the High Court to quash criminal proceedings where the allegations do not disclose any offence, or where the proceedings are manifestly attended with mala fides, or where continuation of prosecution would amount to abuse of process.

43. However, in the present case, the final report alleges that the petitioner was a life convict, was lawfully lodged in Central Prison, Madurai, was taken for work under prison authority, and escaped from such custody. These allegations, if proved, constitute the offence under the second limb of Section 224 IPC.

44. Therefore, this is not a case where the allegations do not disclose any offence. This is also not a case where the prosecution materials are so absurd or inherently improbable that no prudent

¹¹ Supra 1

¹² Supra 1



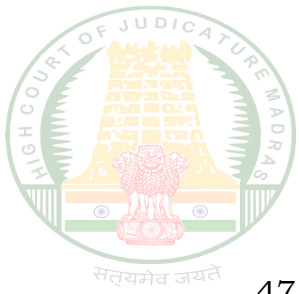
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person can ever reach a conclusion that there is sufficient ground for proceeding.

45. The defence of the petitioner that there was no lawful custody at the exact place of work, or that the prison officials were negligent, or that he did not offer resistance, are matters which cannot be conclusively adjudicated in a petition under Section 528 BNSS. Hence, the case does not fall within any of the categories warranting quashment under the ***State of Haryana v. Bhajan Lal***¹³ principles.

46. On a careful consideration of the statutory language of Section 224 IPC, the allegations in the final report, and the rival submissions, this Court is of the view that the impugned prosecution cannot be quashed at the threshold. The petitioner's argument seeks to confine Section 224 IPC to its first limb alone. Such an interpretation is impermissible. The second limb of Section 224 IPC independently covers escape or attempt to escape from lawful custody.

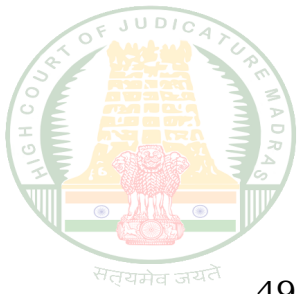
¹³ Supra 1



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47. The petitioner, being a life convict, was under lawful custody. The allegation that he escaped while being entrusted with prison-related work *prima facie* attracts Section 224 IPC. Whether the prosecution will ultimately establish the charge beyond reasonable doubt is a matter for trial. At this stage, the final report discloses the basic ingredients of the offence alleged.

48. The liberty of an individual is precious; but liberty obtained otherwise than by due process of law is not liberty in the eye of law. A convict undergoing sentence remains under the command of law until law itself restores his freedom. The criminal law does not permit a prisoner to take advantage of the trust reposed in him by prison administration and thereafter contend that, because he did not resist or obstruct anyone, his escape is beyond the reach of Section 224 IPC. The law draws a clear distinction between obstruction to apprehension and escape from custody. Both are separate mischiefs. Section 224 IPC addresses both.



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49. In the present case, the prosecution alleges escape from lawful custody. Such allegation must be tested in trial and cannot be extinguished at the threshold by invoking the inherent jurisdiction of this Court.

50. In the result, this Criminal Original Petition is dismissed. The learned Judicial Magistrate No.V, Madurai, shall proceed with C.C.No.2158 of 2024 in accordance with law, uninfluenced by any observation made herein, except for the limited purpose of disposal of this Criminal Original Petition.

01.06.2026

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

To

1. The Inspector of Police,
Karimedu Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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