



CrI.OP(MD)No.2625 of 2024

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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

CrI.O.P.(MD).No.2625 of 2024

1. T.S.Raneesh
2. V.H.Nizar
3. Tony Varghese
4. N.A.Abinkumar
5. A. Arunkumar
6. K.J.Xavier
7. Inbaraj

... Petitioner/Accused No.

Vs.

1. The State of Tamilnadu,
Rep by. the Inspector of Police,
CBCID South Police Station,
Dindigul District.
Cr.No.1/2018
2. The Inspector of Police,
Batlagundu Police Station,
Dindigul District. Cr.No.414/2017

.... Respondents / Complainants

3 Duraiyan



Crl.OP(MD)No.2625 of 2024

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4. Selvi

..... Respondents /
Defacto Complainant

5. The Superintendent of Police,
Narcotic wing,
Alapuzha.

6. The Superintendent of Police,
Kottayam.

(R5 and R6 are suo motu impleaded as per
order of this court dated 09.02.2026 in
Crl.OP(MD).2625/2024 by LVGJ.)

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in CC.No.237/2022 pending on the file of the Learned Judicial Magistrate No.I Dindigul and quash the same in respect of the petitioner accused No.1 to 6 and 8.

For Petitioners : Mr.C.Kishore

For R-1, R-2,

R-5 & R-6 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

For R-3 & R-4 : Mr.Muneeshkumar



Crl.OP(MD)No.2625 of 2024

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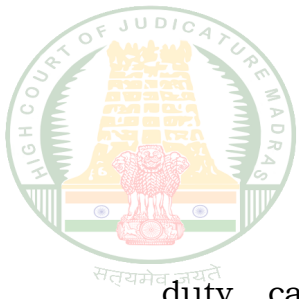
ORDER

Prologue:

The present petition raises a profoundly disturbing issue touching upon the constitutional obligation of police accountability, inter-State policing discipline, custodial responsibility and the limits of compromise jurisdiction exercisable by this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 Cr.P.C.

2. The petitioners, who are police personnel attached to the Narcotic Special Squad of the Kerala Police, seek quashment of criminal proceedings arising out of the death of one Mokkaian, who allegedly fell into a well while in police custody during an anti-narcotic operation conducted within the territorial limits of the State of Tamil Nadu.

3. The case assumes considerable significance since the allegations do not merely pertain to procedural irregularity, but concern the larger question as to whether serving police officials, accused of serious custodial misconduct and dereliction of statutory



Crl.OP(MD)No.2625 of 2024

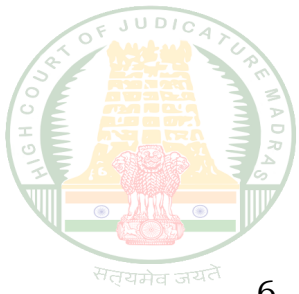
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duty, can invoke the compromise jurisdiction of this Court to terminate prosecution at the threshold merely because the victim's family has subsequently entered into a settlement.

4. This Court is therefore called upon to balance two competing concerns: on one hand, the settlement entered into between the parties and the absence of direct allegations of homicidal assault under Section 302 IPC, and on the other hand, the institutional interest of preserving public confidence in the criminal justice system and ensuring accountability of law enforcement agencies.

Case of the prosecution:

5. The prosecution case, as discernible from the Final Report, is that on 27.08.2017 at about 09.15 p.m., the brother-in-law of the *defacto* complainant was found dead inside a well situated in the property of the *defacto* complainant and the body was found with handcuffs. Consequently, a case was initially registered under Section 174 Cr.P.C. read with Section 176(1-A)(i) Cr.P.C. in Crime No.414 of 2017 on the file of the second respondent police.



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6. Subsequently, the investigation was transferred to the CB-CID and renumbered as Crime No.1 of 2018. After completion of investigation, the first respondent police filed a charge sheet against the petitioners and another for offences under Sections 166A(a), 167, 202, 330 and 348 IPC.

7. According to the prosecution, the petitioners, who were attached to the Kerala Narcotic Special Squad, entered the State of Tamil Nadu in connection with a narcotic investigation without adhering to mandatory inter-State policing procedures. It is alleged that the petitioners apprehended the deceased, restrained him with handcuffs and subjected him to illegal custody.

8. The prosecution further alleges that while the deceased was in such custody, he attempted to escape and fell into a well resulting in his death. The gravamen of the accusation is not merely the fall into the well, but the subsequent conduct of the petitioners in allegedly abandoning the victim, failing to immediately inform the Tamil Nadu Police authorities, vacating their accommodation and returning to Kerala.



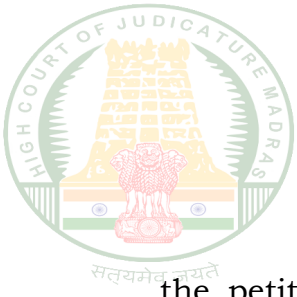
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9. The prosecution specifically asserts that the petitioners neither obtained proper “presidency passport” authorization nor informed the jurisdictional police station before conducting the operation within Tamil Nadu territory. It is also alleged that the mandatory safeguards contemplated under the Criminal Procedure Code and Police Standing Orders governing inter-State police operations were deliberately ignored.

10. Based upon the statements of witnesses, official records and departmental materials collected during investigation, the CB-CID concluded that *prima facie* offences under Sections 166A(a), 167, 202, 330 and 348 IPC stood attracted against the petitioners.

Grounds for quash:

11. The petitioners seek quashment principally on the ground that the entire dispute has been amicably settled between the petitioners and the legal heirs of the deceased. It is contended that the fourth respondent, namely the wife of the deceased, and the *defacto* complainant have voluntarily entered into compromise with



Crl.OP(MD)No.2625 of 2024

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the petitioners and therefore continuation of criminal proceedings would amount to abuse of process of law.

12. The petitioners further contend that the occurrence happened accidentally during the course of a genuine anti-drug operation and that there was absolutely no intention to cause harm to the deceased. It is also contended that the prosecution has deliberately projected the incident as custodial misconduct though the materials would only indicate an accidental fall while the deceased attempted to flee from custody.

13. The petitioners would further assert that they had informed their superior officers before proceeding to Tamil Nadu and that contemporaneous records such as General Diary entries, e-mail communications and ratification orders clearly substantiate the same.

14. According to the petitioners, the allegation that they entered Tamil Nadu without authorization is factually incorrect and



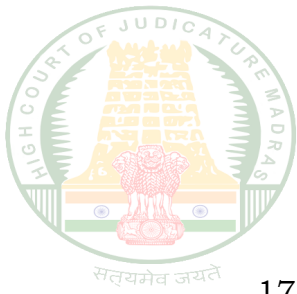
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constitutes a disputed question incapable of being conclusively determined at this stage.

15. The petitioners would further submit that the continuation of prosecution would seriously prejudice their service career and subject them to unnecessary ordeal despite the victim family itself having resolved the dispute.

Arguments on either side:

16. The learned counsel appearing for the petitioners would submit that the petitioners are serving police officials attached to the Narcotic Special Squad Team of Kerala Police and that they had proceeded to Tamil Nadu only for the purpose of apprehending members of a notorious inter-State narcotic syndicate. The learned counsel would contend that accused No.7 was an international narcotic smuggler with multiple criminal antecedents and that the petitioners were acting in larger public interest to curb organized drug trafficking.

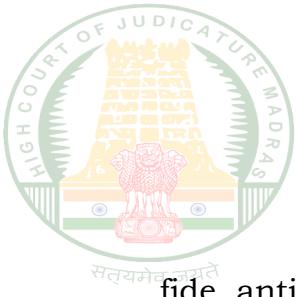


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17. It is the specific submission of the petitioners that there was no custodial assault or intentional misconduct and that the deceased accidentally fell into the well while attempting to escape during the early hours of the morning. The learned counsel would further contend that the petitioners attempted to inform the local police immediately after the incident and when the complaint was not received, the same was communicated through e-mail.

18. The petitioners would strongly dispute the allegation regarding absence of authorization and would rely upon General Diary entries, emergency passport communications, ratification orders and departmental proceedings to contend that the operation was undertaken with prior knowledge of higher authorities.

19. It is further argued that Section 48 Cr.P.C. empowers police officers to pursue offenders beyond territorial limits and therefore the mere entry into another State for effecting arrest cannot by itself constitute illegality. The learned counsel would submit that no offence under Section 302 IPC has been alleged and that the continuation of prosecution would amount to criminalizing a bona



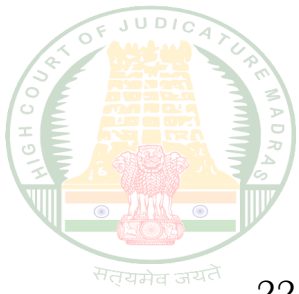
Crl.OP(MD)No.2625 of 2024

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vide anti-drug operation. It is also argued that the victim family having voluntarily accepted compensation and entered into settlement, no useful purpose would be served by continuing prosecution.

20. Per contra, the learned Government Advocate would vehemently oppose the petition and contend that the allegations pertain to grave custodial misconduct committed by serving police officers and therefore the proceedings cannot be quashed merely on the basis of compromise.

21. The learned Government Advocate would submit that the deceased was in police custody with handcuffs at the relevant point of time and that the petitioners abandoned the victim without informing the jurisdictional police authorities. It is argued that the petitioners violated mandatory inter-State policing procedures by entering Tamil Nadu without properly informing the local police or obtaining valid authorization.

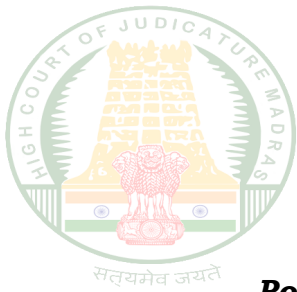


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22. According to the prosecution, even assuming that the deceased accidentally fell into the well, the conduct of the petitioners in leaving the State without immediately informing the authorities reveals serious dereliction of statutory duty. The prosecution would further contend that custodial offences by police personnel affect public confidence in the administration of justice and therefore cannot be treated as private disputes capable of settlement.

23.It is further argued that the prosecution materials *prima facie* disclose offences under Sections 166A(a), 167, 202, 330 and 348 IPC and that the truthfulness of rival versions can only be tested during trial. The learned Government Advocate would therefore submit that this Court ought not to exercise its inherent jurisdiction to stifle a legitimate prosecution involving serious allegations against law enforcement officials.

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



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Point for consideration:

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

“Whether this Court, in exercise of its inherent jurisdiction under Section 528 BNSS, can quash criminal proceedings involving allegations against serving police officials relating to custodial misconduct, illegal detention and dereliction of official duty solely on the basis of compromise entered into between the accused and the victim family?”

Analysis:

26. At the outset, it requires to be noted that the offences alleged against the petitioners are under Sections 166A(a), 167, 202, 330 and 348 IPC.

27. Section 166A IPC concerns public servants knowingly disobeying directions of law. Section 167 IPC pertains to framing incorrect documents by public servants with intent to cause injury. Section 202 IPC deals with intentional omission to furnish information regarding offence. Section 330 IPC concerns voluntarily



Crl.OP(MD)No.2625 of 2024

WEB COPY

causing hurt to extort confession and Section 348 IPC pertains to wrongful confinement for extorting confession.

28. Though the prosecution has not invoked Section 302 IPC, the allegations nevertheless arise in the backdrop of custodial restraint leading to death and therefore cannot be trivialized as a mere private dispute. The records *prima facie* indicate that the deceased was indeed under the custody and control of the petitioners at the relevant point of time. Even according to the petitioners, the deceased escaped while under police restraint and thereafter fell into the well.

29. The materials further indicate that serious disputes exist regarding compliance with inter-State operational procedures, authorization, presidency passport formalities and intimation to local police authorities. The petitioners heavily rely upon General Diary entries, emergency passport communications and ratification orders. Equally, the prosecution relies upon statements of LW-34, LW-35 and other officers disputing the legality of the operation.



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30. These are clearly disputed questions of fact requiring appreciation of oral and documentary evidence during trial. This Court exercising jurisdiction under Section 528 BNSS cannot undertake a mini trial to determine whether proper authorization existed or not.

31. The next and more crucial issue concerns the nature of the offences alleged. It is now well settled through a catena of judgments of the Hon'ble Supreme Court including ***State of Haryana v. Bhajan Lal***¹, ***Gian Singh v. State of Punjab***² and ***Parbatbhai Aahir v. State of Gujarat***³ that heinous offences or offences having serious societal impact ordinarily ought not to be quashed merely on the basis of compromise.

32. Custodial offences stand on a distinct footing. A person taken into police custody is under complete control of the State machinery. The police officer thereby assumes constitutional responsibility for the life, dignity and safety of such person. Any

1 1992 Supp(1) SCC 335

2 2012 10 SCC 303

3 (2017) 9 SCC 641



Crl.OP(MD)No.2625 of 2024

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allegation concerning illegal custody, wrongful restraint, procedural abuse or failure to account for custodial safety transcends the realm of a purely personal dispute.

33. The argument of the petitioners that the deceased was a narcotic offender or an accused in an NDPS case cannot dilute the constitutional obligation imposed upon police officials. Equally, the plea that the petitioners were engaged in anti-drug operations cannot justify deviation from mandatory safeguards prescribed under law.

34. This Court is conscious of the practical difficulties faced by police personnel during anti-narcotic operations. However, operational difficulties cannot become a license to bypass procedural discipline. The contention that the deceased accidentally fell into the well may ultimately constitute a valid defence during trial. However, the existence or otherwise of criminal liability can only be determined after evidence is adduced.

35. The compromise entered into between the parties also cannot by itself eclipse the institutional interest involved in ensuring



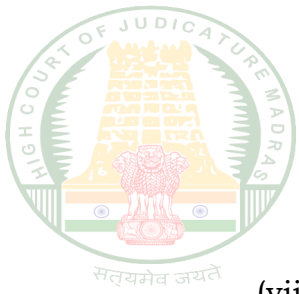
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police accountability. Criminal justice cannot be reduced to a negotiable settlement mechanism in cases involving allegations against public servants exercising coercive State power.

36. The submission that the principal witnesses may turn hostile also cannot constitute a ground for quashment. Whether the prosecution succeeds or fails is a matter entirely within the province of the trial Court. At this juncture, this Court must also observe that the petitioners are not ordinary private individuals but serving police personnel entrusted with sovereign policing functions. Higher standards of accountability necessarily apply to such officials.

37. The allegations in the present case disclose serious issues requiring judicial scrutiny during trial including:

- (i) legality of inter-State operation;
- (ii) existence of proper authorization;
- (iii) legality of handcuffing;
- (iv) nature of custodial restraint;
- (v) obligation to inform local police;
- (vi) conduct after the occurrence; and



Crl.OP(MD)No.2625 of 2024

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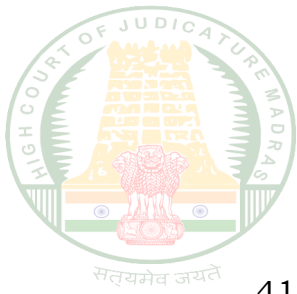
(vii) extent of criminal culpability, if any.

38. None of these issues can be conclusively adjudicated in proceedings under Section 528 BNSS. This Court is therefore of the considered opinion that the present case does not fall within the exceptional categories warranting exercise of inherent powers to quash prosecution at the threshold.

Epilogue:

39. Rule of law demands that police personnel combating crime must themselves remain within the discipline of law. A constitutional democracy cannot tolerate lawlessness either from criminals or from those entrusted to enforce law.

40. The issue before this Court is not whether the petitioners were combating narcotic crime. The issue is whether allegations concerning custodial misconduct and procedural abuse deserve full judicial scrutiny. This Court is of the clear opinion that they do.



Crl.OP(MD)No.2625 of 2024

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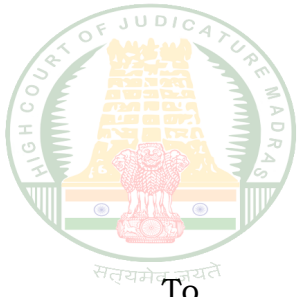
41. The compromise entered into between the parties may perhaps constitute a mitigating circumstance during trial or sentencing if occasion so arises, but it cannot obliterate the societal interest involved in adjudicating allegations against serving police personnel exercising coercive State authority.

42. In fine, this Criminal Original Petition stands dismissed. Consequently, the proceedings in C.C.No.237 of 2022 on the file of the learned Judicial Magistrate No.I, Dindigul shall proceed in accordance with law uninfluenced by any observations made in this order.

42. The learned Judicial Magistrate No.I, Dindigul is directed to expedite the trial and dispose of the case as expeditiously as possible.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Crl.OP(MD)No.2625 of 2024

To
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- 1.The Judicial Magistrate No.I,
Dindigul.
- 2.The Inspector of Police,
CBCID South Police Station,
Dindigul District.
3. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
4. The Superintendent of Police,
Narcotic wing,
Alapuzha.
5. The Superintendent of Police,
Kottayam.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.2625 of 2024

L.VICTORIA GOWRI, J.

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CRL OP(MD)No.2625 of 2024

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