



Crl.OP(MD)No.5028 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.5028 of 2025

and

Crl.M.P.(MD).Nos.3649 of 2025

Tamilselvan

... Petitioner / Accused No.1

Vs.

1. The State of Tamilnadu,
Rep by The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

... Respondent / 1st Respondent

2. Palanikumar

... Respondent/ 2nd Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the further records in Crime No.1141/2019 on the file of 1st respondent police and quash the same.

For Petitioner : Mr.P.Muthusamy

For R-1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)



Crl.OP(MD)No.5028 of 2025

WEB COPY

ORDER

Preface:

The present Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking to quash the First Information Report in Crime No.1141 of 2019 on the file of the first respondent police, registered for the alleged offences under Sections 3(2)(a), 4(2)(c), 5(1)(d) and 8(b) of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as “the ITP Act”).

2. The petition raises serious issues touching upon prolonged investigation, alleged non-compliance with statutory safeguards, inconsistent stand taken by the investigating agency before this Court, and the consequential impact on the personal liberty and professional future of a young accused, thereby necessitating a careful judicial scrutiny.



Case of the prosecution:

3. The case of the prosecution, as reflected from the First Information Report, is that the second respondent is the *de facto* complainant. On 19.12.2019 at about 15.30 hours, based on alleged secret information, the *de facto* complainant conducted a search in a massage centre.

4. It is alleged that the petitioner, along with other women, was acting as a broker and was canvassing for prostitution. The petitioner is stated to have demanded money from the *de facto* complainant. Based on the said allegation, the second respondent lodged a complaint, pursuant to which the first respondent police registered Crime No.1141 of 2019 for offences under the provisions of the ITP Act.

5. Totally four accused persons were arrayed in the said crime, and the petitioner herein was shown as Accused No.1.



Crl.OP(MD)No.5028 of 2025

WEB COPY

Case of the petitioner:

6. The petitioner asserts that he is wholly innocent and has been falsely implicated. According to him, at the time of the alleged occurrence, he was at his residence and had no connection whatsoever with the alleged offence. It is the specific case of the petitioner that the respondent police illegally secured him from his house, demanded money, and upon his refusal to comply with such illegal demand, a false case was foisted against him.

7. Aggrieved by the registration of the FIR, the petitioner earlier approached this Court in Crl.O.P.(MD) No.2957 of 2022. This Court, by order dated 11.02.2022, granted stay of further proceedings in Crime No.1141 of 2019.

8. Subsequently, when the said petition was taken up for final hearing on 01.02.2024, it was represented by the respondent police that the investigation had been completed and the final report was ready to be filed. Recording the said submission, this Court directed the respondent police to file the final report within a period of two



Crl.OP(MD)No.5028 of 2025

weeks and further directed the learned Trial Court to complete the proceedings expeditiously.

9. This Court also dispensed with the personal appearance of the petitioner except for specific stages such as supply of documents under Section 207 Cr.P.C., 1973, framing of charges, examination under Section 313 Cr.P.C., 1973, and pronouncement of judgment. According to the petitioner, despite the categorical directions issued by this Court, no charge sheet was filed. A contempt notice was issued by the petitioner on 29.02.2024, followed by filing of Contempt Petition in Cont.P.(MD) No.2025 of 2024.

10. During the contempt proceedings, the respondent police represented before this Court that a charge sheet had been filed and that the case was taken on file as C.C. No.5611 of 2023 on the file of the Judicial Magistrate No.VI, Madurai, based on which the contempt petition was closed.

11. However, upon verification, the petitioner found that no such calendar case existed, and even the certified copy application



Crl.OP(MD)No.5028 of 2025

filed before the learned Magistrate Court was returned with an endorsement that no such C.C. number was on record.

12. The petitioner would contend that such inconsistent and incorrect representations before this Court have caused grave prejudice to him. It is further stated that the petitioner has completed his law degree and is awaiting enrolment, which has been indefinitely delayed due to the pendency of the present criminal case.

Grounds for quash:

13. The petitioner has raised, *inter alia*, the following grounds:

The petitioner has been falsely implicated without any overt act attributable to him. The inclusion of the petitioner as an accused was motivated by illegal demand for money and refusal thereof. The petitioner was allegedly secured from his house without any intimation, prompting a complaint to the emergency helpline. The *de facto* complainant being a police constable and the investigation being conducted by the same police station vitiates the fairness of investigation. The petitioner has no criminal antecedents, and the prosecution violates the principles of natural justice. False and



Crl.OP(MD)No.5028 of 2025

inconsistent representations were made before this Court regarding filing of the charge sheet, amounting to abuse of process of law.

Submissions:

14. The learned counsel for the petitioner reiterated the above grounds and further contended that the FIR itself is vitiated as the registration was done by an officer below the rank of Special Officer as mandated under Section 13 and Section 32 of the ITP Act. It was also argued that statutory safeguards relating to search and arrest were violated.

15. The learned Government Advocate (Crl. side), on the other hand, submitted that the petitioner has an effective alternative remedy before the learned Trial Court, including raising limitation under Section 468 Cr.P.C., 1973. It was further submitted that the investigation has been completed and the final report was filed but returned for rectification. The learned Government Advocate (Crl. side) placed reliance on decisions of this Court wherein it has been held that any police officer is competent to investigate offences under



Crl.OP(MD)No.5028 of 2025

the ITP Act and that the issue of Special Officer does not vitiate the proceedings.

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

Point for consideration:

17. The point that arises for consideration is whether the continuation of proceedings in Crime No.1141 of 2019 amounts to abuse of process of law warranting interference under Section 482 Cr.P.C.,1973?

Analysis:

18. It is not in dispute that the FIR in the present case was registered in the year 2019 and even after lapse of more than five years, no valid final report has been placed before the jurisdictional Magistrate.

19. More importantly, this Court had earlier passed specific directions in Crl.O.P.(MD) No.2957 of 2022, directing filing of the



final report within a stipulated period. The subsequent representation before this Court during contempt proceedings regarding filing of a charge sheet in a non-existent calendar case raises serious concern.

20. While this Court is conscious of the settled legal position that investigation by an officer below the rank of Special Officer does not *ipso facto* vitiate the proceedings, the cumulative circumstances of prolonged delay, contradictory stand, and apparent non-compliance with judicial directions cannot be lightly brushed aside.

21. The power under Section 482 Cr.P.C., 1973, is meant to prevent abuse of process and to secure the ends of justice. Prolonged pendency of investigation without culmination, particularly when it adversely affects the professional future of a young law graduate, cannot be justified.

22. The Hon'ble Supreme Court has consistently held that where criminal proceedings are attended with mala fide and are manifestly instituted with ulterior motives, interference is warranted.



Crl.OP(MD)No.5028 of 2025

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23. In the considered opinion of this Court, the present case falls within the exceptional category warranting exercise of inherent jurisdiction. Before parting, this Court deems it appropriate to observe that investigating agencies are duty-bound to act with fairness, transparency, and accountability, particularly when making representations before constitutional Courts. Any deviation therefrom erodes public confidence in the administration of criminal justice.

24. In the result, this Criminal Original Petition is allowed. The First Information Report in Crime No.1141 of 2019 on the file of the first respondent police is hereby quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

02.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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Crl.OP(MD)No.5028 of 2025

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- 1.The Sub Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.5028 of 2025

L.VICTORIA GOWRI, J.

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CRL OP(MD)No.5028 of 2025

02.01.2026