



Crl.OP(MD)No.7418 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.7418 of 2025

and

Crl.M.P.(MD)No.5423 of 2025

1. Ashok
2. Dhanraj
3. Sathish Kumar
4. Suresh
5. Navaneethan
6. Balaji
7. Periyasamy
8. Saravanan ... Petitioners / Accused No.1,3 to 9

Vs.

1. State of Tamil Nadu
Rep. by The Inspector of Police,
Umachikulam Police Station.
Madurai District.
2. State of Tamil Nadu,
Rep. by its Sub Inspector of Police,
M.Chathirapatti Police Station,
Madurai District.
(Crime No.94/2012).



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3. M.Kumaraguru

... Respondents /Complainant
De facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in S.C.No. 48/2025 on the file of the learned Vth Additional District Court, Madurai, and to quash the same as against these petitioners.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For R-1 & R-2 : Mr.Thanga Aravindh.B,
Government Advocate (Crl. Side)

ORDER

Preface:

Criminal law is an instrument to maintain public order and discipline. At the same time, it is equally a settled principle that the criminal process cannot be permitted to operate as a punitive mechanism by itself. Delay, lethargy, and arbitrariness in investigation corrode the foundational guarantees of personal liberty and fair procedure enshrined under Article 21 of the Constitution of India. Courts exercising inherent jurisdiction are duty-bound to intervene when prosecution degenerates into persecution.



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2. The present Criminal Original Petition raises a serious concern regarding inordinate delay in investigation, belated filing of a final report after more than a decade, and invocation of grave penal provisions on the basis of vague and omnibus allegations, particularly when the complainants themselves are police officials.

3. This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to S.C. No.48 of 2025 on the file of the learned V Additional District and Sessions Judge, Madurai, and to quash the same as illegal, arbitrary, and an abuse of process of law.

Case of the prosecution:

4. The prosecution case, as emerging from the First Information Report and the final report, is that on 11.02.2012, the third respondent, who was then serving as a Grade-I Police Constable attached to Umachikulam Police Station, along with other police personnel, was returning after searching for certain accused in Crime No.31 of 2012.



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5. It is alleged that while proceeding via M. Chathirapatti, the petitioners were obstructing traffic by placing their two-wheelers in the middle of the road. When questioned, the petitioners are stated to have abused the police personnel using filthy language, waylaid the police van, forcibly pulled the third respondent and other constables out of the vehicle, throttled them, threatened them with death, caused injuries, damaged the rear windscreen of the police vehicle, and fled from the scene.

6. Based on the said complaint, a case was registered for the offences under Sections 147, 341, 294(b), 332, and 307 of the Indian Penal Code, read with Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

Procedural history:

7. Though the alleged occurrence took place on 11.02.2012, no final report was filed for more than a decade. Alleging inaction, the petitioners approached this Court earlier by filing Crl.O.P.(MD) No. 13345 of 2023 seeking quashment of the FIR.



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8. When the said petition was taken up on 21.06.2024, the learned Additional Public Prosecutor submitted that the investigation had already been completed and that a final report had been filed and taken on file as P.R.C. No.7254 of 2023. Recording the said submission, this Court closed the petition, granting liberty to challenge the final report.

9. Subsequently, when the petitioners applied for certified copies of the charge sheet, the application was returned with an endorsement stating that the case was still at FIR stage. Alleging suppression and misrepresentation, the petitioners filed a petition to recall the earlier order. During the pendency of the recall petition, the final report came to be filed, culminating in the present sessions case in S.C. No.48 of 2025.

Grounds for quash:

10. The principal grounds urged by the petitioners are:

(a) The inordinate and unexplained delay of more than twelve years in filing the final report is violative of Article 21 of the Constitution of India.



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(b) The prolonged pendency of the FIR has caused severe prejudice to the petitioners, affecting their livelihood and employment prospects due to the stigma attached.

(c) The allegations are vague, omnibus, and bereft of specific overt acts attributable to individual accused.

(d) The medical records disclose only simple injuries, thereby negating the ingredients of Sections 332 and 307 IPC.

(e) The essential ingredients of unlawful assembly under Sections 141 and 146 IPC are conspicuously absent.

(f) The offences under Sections 147, 294(b), and 341 IPC are barred by limitation under Section 468 CrPC.

(g) No material has been produced to substantiate damage to the police vehicle so as to attract Section 3 of the TNPPDL Act.



Submissions:

11. The learned counsel for the petitioners submitted that the FIR contains only bald allegations without specifying which accused committed what act. Even the charge sheet does not improve upon the FIR. It was contended that the final report was filed only after the petitioners approached this Court, and that too after contradictory stands were taken by the prosecution regarding the filing of the charge sheet. It was further argued that the correction of the year in the charge sheet itself creates a serious doubt about the genuineness of the prosecution case. Reliance was placed on judicial precedents holding that extraordinary delay in investigation and prosecution, without justifiable cause, warrants quashment.

12. The learned Additional Public Prosecutor submitted that the allegations disclose serious offences, including an attempt to murder under Section 307 IPC and damage to public property. It was argued that for an offence under Section 307 IPC, actual injury is not mandatory, and mere attempt coupled with intention is sufficient. It was further contended that the petitioners acted as an unlawful



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assembly and assaulted police officials while on duty, and therefore, the proceedings should not be quashed at the threshold.

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

Point for determination:

14. The point that arises for consideration is whether the continuation of criminal proceedings in S.C. No.48 of 2025, arising out of an occurrence dated 11.02.2012, is sustainable in law, or whether it amounts to an abuse of process of Court warranting interference under Section 482 Cr.P.C., 1973?

Analysis:

15. The alleged occurrence is of the year 2012. The final report has been filed only in the year 2024. There is no explanation forthcoming from the prosecution for such an extraordinary delay. The right to speedy investigation and trial is an integral facet of Article 21 of the Constitution. Inordinate delay, especially at the stage of investigation, strikes at the root of fair procedure.



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16. A careful reading of the FIR and the final report reveals that the allegations are sweeping in nature. There is no attribution of specific overt acts to any particular accused. When multiple accused are implicated, especially for serious offences like Sections 307 and 332 IPC, the prosecution is expected to disclose clear, cogent, and specific allegations. Bald assertions that “all accused assaulted” cannot suffice.

17. The medical records indicate only simple injuries. There is no material to demonstrate intention or knowledge necessary to attract Section 307 IPC. Similarly, the essential ingredients of Sections 141, 146, and 147 IPC are not made out. Mere presence at the scene does not constitute unlawful assembly. The offences under Sections 147, 294(b), and 341 IPC are punishable with lesser sentences and are clearly barred by limitation under Section 468 Cr.P.C., 1973.

18. No document, photograph, or repair estimate has been produced to establish damage to the police vehicle. Invocation of the TNPPDL Act, in the absence of proof, is unsustainable.



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19. Accordingly, this Court is of the considered view that the prosecution, as launched and pursued, suffers from fatal legal infirmities, unexplained delay, and lack of foundational material. Allowing the proceedings to continue would amount to subjecting the petitioners to needless harassment.

20. Criminal law must operate as a shield for society, not as a sword to be wielded arbitrarily. Delay and vagueness, when combined, erode the credibility of prosecution and undermine public confidence in the administration of justice. Courts must remain vigilant to ensure that the process of law is not reduced to an instrument of oppression.

21. In fine, this Criminal Original Petition is allowed. The proceedings in S.C. No.48 of 2025 on the file of the learned V Additional District and Sessions Judge, Madurai, are quashed. Consequently, the connected miscellaneous petition is closed.

02.01.2026

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



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To

- 1.The Vth Additional District Court,
Madurai.
- 2.The Inspector of Police,
Umachikulam Police Station.
Madurai District.
- 3.The Sub Inspector of Police,
M.Chathirapatti Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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