



Crl.OP(MD)No.22939 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 30.04.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.22939 of 2025, 770 & 771 of 2026

and

Crl.M.P.(MD)No.19881 of 2025

Crl.O.P.(MD).No.22939 of 2025

Krishnamurthy

... Petitioner/Accused No.2

Vs.

1. The State of Tamilnadu
Rep. by the Inspector of Police,
OCU, CBCID,
Tirunelveli City,
Tirunelveli District.

.... Respondent / Complainant

2. J.Senthilrajan

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the Impugned ChargeSheet against the Petitioner in PRC No.5/2024 pending before the Judicial Magistrate Court No.1, Tirunelveli, in Crime No.03/2022 dated



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13.09.2022 on the file of OCU, CBCID, Tirunelveli City and quash the same.

For Petitioner : Mr.R.Sankara Narayanan,
Senior counsel,
Mr.Ramaswamy Meyyappan

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

For R-2 : Mr.N.R.Elango,
Senior counsel,
Mr.R.Anand

Crl.O.P.(MD).No.770 of 2026

S.Vaikundarajan

.... Petitioner

Vs.

1. The State of Tamilnadu
Rep. by, the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Crime No.402 of 2021

... Respondent / Complainant

2. Marikannan

... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the Impugned FIR in Crime No. 402/2021 dated 20.06.2021 on the file of the Palayamkottai Police Station, Tirunelveli City and quash the same.



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For Petitioner : Mr.Ramaswamy Meyyappan
For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 : Mr.N.R.Elango,
Senior counsel,
Mr.R.Anand

Crl.O.P.(MD).No.771 of 2026

S.Vaikundarajan

.... Petitioner

Vs.

1. The State of Tamilnadu
Rep. by, the Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
Crime No.221 of 2022

.... Respondent / Complainant

2. Muthukrishnan

.... Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the FIR in Crime No. 221/2022 on the file of the 1st respondent, and quash the same as against the petitioner.

For Petitioner : Mr.Ramaswamy Meyyappan
For R-1 : Mr.S.Ravi,
Additional Public Prosecutor



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For R-2 : Mr.N.R.Elango,
Senior counsel,
Mr.R.Anand

COMMON ORDER

Preface:

These three Criminal Original Petitions, though arising out of different crime numbers and different incidents, are inseparably linked by a common factual background, namely, a long-drawn intra-family dispute between rival factions of the V.V. Mineral family concerning control, possession, management and enjoyment of immovable properties, industrial establishments, machineries, and business concerns.

2. The petitions invite this Court to exercise its inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the plea that the criminal process has been set in motion not for vindication of penal law, but as an instrument of pressure in a larger civil and commercial conflict.

3. At the same time, the respondents would urge that the mere existence of civil litigation cannot eclipse criminality, if the



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allegations, taken at face value, disclose cognizable offences; and that the petitioners are, in substance, seeking a pre-trial adjudication upon disputed facts, impermissible in proceedings under Section 528 BNSS.

4. The exercise before this Court is, therefore, one of judicial calibration. On the one hand lies the duty of this Court to prevent abuse of process; on the other, the equally binding self-restraint against throttling legitimate prosecution at the threshold.

5. Since the factual background, the parties, the family matrix, and a substantial part of the legal submissions overlap, all the three petitions were heard together and are disposed of by this common judgment. However, as the allegations, stages of prosecution, and legal considerations are not identical, the analysis and relief shall be separately dealt with for each case.



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The prosecution narrative across the three cases.

Crl.O.P.(MD) No.22939 of 2025.

6. The prosecution case in Crl.O.P.(MD) No.22939 of 2025, as could be gathered from the complaint, the FIR, the materials collected during investigation, and the final report, is that disputes existed concerning the control, management and enjoyment of the properties and business establishments connected with M/s. V.V. Mineral and its group concerns, as between the family of the *de facto* complainant and that of the first accused, namely, Mr. S. Vaikundarajan.

7. According to the prosecution, in the backdrop of earlier civil proceedings and orders passed by this Court in relation to administration and supervision of the disputed properties, a Receiver had been appointed and certain learned Advocates had also been appointed as Assistants to the learned Receiver for the purpose of inspection, supervision and allied administrative acts in respect of the properties falling within the schedules dealt with by this Court.



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8. It is the further case of the prosecution that on 23.04.2021, pursuant to such orders and after prior intimation, the learned Assistants to the Receiver visited certain properties including the New Rice Mill, Omni Bus Stand and the Head Office, which, according to the complainant, were under the control of his family, and that the inspection was documented through video recording.

9. The prosecution would further state that thereafter, at about 2.15 p.m., the learned Assistants to the Receiver proceeded to inspect the premises of V.V. Mineral Garnet Industries situated at Vallanvilai, which was said to be under the control of the first accused and his faction. According to the complainant, he, along with his counsel, his driver, videographers and staff, entered the said premises with the permission of the learned Assistants to the Receiver for the purpose of valuation, documentation and videographing the status of the premises, including the condition of machineries, equipment and mineral stocks.

10. It is alleged that while such videography and documentation were in progress, the first accused, namely, Mr. S.



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Vaikundarajan, objected to the same, abused the complainant in filthy language and attempted to assault him. The prosecution version further states that the first accused forcibly took one camera from the hands of one of the persons present and threw it on the floor, thereby causing damage.

11. It is the further allegation of the prosecution that immediately thereafter, Accused Nos.2 to 9, including the present petitioner/A2, joined the first accused and participated in assaulting the complainant and the persons accompanying him, including the driver and videographers. It is alleged that during the course of the occurrence, more cameras were broken and damaged, and that the accused persons also retained control over the damaged devices.

12. The prosecution would further allege that the complainant and the persons accompanying him were wrongfully restrained and confined within the premises for a considerable period of time and were not permitted to leave the premises freely for more than one hour.



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13. On the basis of the above allegations, the complainant initially appears to have lodged a complaint before the jurisdictional police, and thereafter, on the strength of proceedings under Section 156(3) Cr.P.C., investigation came to be directed. Ultimately, after investigation, the respondent police filed the impugned charge sheet in P.R.C. No.5 of 2024 on the file of the learned Judicial Magistrate No.I, Tirunelveli, for offences under Sections 147, 149, 294(b), 341 and 323 IPC and Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, arraying the present petitioner as Accused No.2.

14. The gravamen of the accusation against the present petitioner is not based on any independent, specific or individualised allegation, but on the general assertion that he, along with the other accused, formed part of the group that restrained and assaulted the complainant party. Beyond such omnibus allegation, the prosecution does not appear to attribute any distinct overt act to the petitioner.



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Crl.O.P.(MD) No.770 of 2026:

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15. The prosecution case in Crl.O.P.(MD) No.770 of 2026, as reflected in the impugned FIR in Crime No.402 of 2021 on the file of Palayamkottai Police Station, is that the *de facto* complainant, one Marikannan, who was working as a Supervisor under the control of the petitioner's brother's family, was allegedly intercepted on 18.11.2020 while travelling on a two-wheeler along with a co-worker near DC Nagar, Tirunelveli.

16. It is alleged that a group of persons, including the petitioner herein, formed themselves into an unlawful assembly, wrongfully restrained the *de facto* complainant, abused him in obscene language, and physically assaulted him.

17. According to the prosecution, the *de facto* complainant was thereafter forcibly abducted and taken in an Innova Crysta car bearing Registration No.TN 72 BF 0018 to a house in Tirunelveli City, where he was allegedly wrongfully confined. It is further alleged that during such confinement, the accused persons threatened him,



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assaulted him and coerced him into giving a statement, which was also video recorded.

18. The prosecution would further state that the *de facto* complainant was subsequently handed over to the police authorities on the basis of a complaint said to have been given by the petitioner, and that after police enquiry, he was released.

19. The prosecution version also indicates that the *de facto* complainant had allegedly given a complaint on 19.11.2020 while undergoing treatment at the Tirunelveli Government Medical College Hospital, but no immediate FIR was registered. Thereafter, based on further steps taken by the *de facto* complainant, the present FIR in Crime No.402 of 2021 came to be registered on 20.06.2021 for offences under Sections 143, 341, 294(b), 323, 365, 342 and 506(i) IPC.

20. The gravamen of the prosecution case is that the petitioner, along with other accused, participated in a coordinated act of wrongful restraint, abduction, illegal confinement, intimidation



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and assault, thereby committing cognizable offences attracting the above penal provisions.

Crl.O.P.(MD) No.771 of 2026:

21. The prosecution case in Crl.O.P.(MD) No.771 of 2026, as reflected in the FIR in Crime No.221 of 2022, is that on 18.08.2022, in connection with the property known as INTEC Workshop, Kanagappapuram, the petitioner, along with others, formed an unlawful assembly and committed various acts amounting to offences under Sections 147, 447, 294(b), 324, 427 and 506(ii) IPC, and later Section 307 IPC also came to be projected in the course of the proceedings.

22. According to the prosecution, at about 4.00 p.m. on 18.08.2022, when the 2nd respondent/*de facto* complainant was present in the company premises, the petitioner came there in several vehicles, accompanied by nearly fifteen persons described by the complainant as rowdy elements, and brought welding machines and other allied equipment with the intention of removing machineries from the premises.



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23. It is alleged that when the *de facto* complainant objected to such removal by stating that the company belonged to Mr. Jegatheesan and that the machineries should not be removed, the petitioner became enraged and directed the others to finish off the *de facto* complainant. Pursuant to such alleged directions, the others are said to have pushed the vehicle bearing Registration No.TN 72 AX 5324 towards the *de facto* complainant with the intention of running him over, resulting in his falling beneath the vehicle and sustaining injuries.

24. The prosecution further alleges that the petitioner's men, acting under his direction, damaged the windscreen of a Bolero vehicle bearing Registration No.TN 74 Y 4465, causing a loss of Rs.50,000/- and thereby attracting Section 427 IPC, besides other offences. The *de facto* complainant was thereafter taken to Asaripallam Medical College Hospital, and his statement was recorded while he was inpatient. On that basis, the FIR came to be registered and investigation was initiated.



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The grounds projected for quash:

Crl.O.P.(MD) No.22939 of 2025:

25. The petitioner in Crl.O.P.(MD) No.22939 of 2025 seeks quashment primarily on the grounds that:

- (i) there is no specific overt act attributed to him;
- (ii) he is only a salaried employee with no stake in the family dispute;
- (iii) the dispute is essentially civil in nature;
- (iv) the contemporaneous inspection report of the Court-appointed functionaries does not support the prosecution version;
- (v) there are material improvements between the earliest complaint and the subsequent version;
- (vi) there is unexplained delay in registration of the FIR; and
- (vii) the ingredients of Sections 147, 149, 341, 323 IPC and Section 3 of the TNPPDL Act are not made out against him.

Crl.O.P.(MD) No.770 of 2026:

26. The petitioner in Crl.O.P.(MD) No.770 of 2026 seeks quashment on the grounds that:



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(i) the FIR is a counterblast to Crime No.796 of 2020 registered at his instance;

(ii) there is an inordinate and unexplained delay of nearly six to seven months in registration of the FIR;

(iii) the allegations are inherently improbable;

(iv) the *de facto* complainant was himself following the petitioner and was only questioned; and

(v) the essential ingredients of Sections 143, 341, 294(b), 323, 365, 342 and 506(i) IPC are not made out even if the FIR is taken at face value.

Crl.O.P.(MD) No.771 of 2026:

27. The petitioner in Crl.O.P.(MD) No.771 of 2026 seeks quashment on the grounds that:

(i) the FIR is a product of family vendetta and mala fides;

(ii) the property belongs to him under the Kaithadi Partition Deed;

(iii) the occurrence arose only because ingress to his property was obstructed;

(iv) the video evidence demolishes the prosecution version;



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- (v) there is delay in lodging the complaint;
- (vi) the FIR narrative is contradicted by General Diary entries and CSR records;
- (vii) the RDO enquiry discredits the FIR;
- (viii) the ingredients of Sections 147, 447, 294(b), 324, 427, 506(ii) and even Section 307 IPC are not made out; and
- (ix) investigation has been kept pending for years without final report.

The arguments on behalf of the petitioners:

28. The learned Senior Counsel appearing for the petitioners submitted, in relation to Crl.O.P.(MD) No.22939 of 2025, that the entire prosecution is a classic instance of a purely civil and intra-family property dispute being given a criminal colour. According to the petitioner, the root of the dispute lies in the long-standing partition dispute between Vaikundarajan and Jegatheesan, both brothers, in relation to the properties of V.V. Mineral and allied concerns. It is submitted that the family arrangement of 2010 and the final partition deed dated 31.12.2018 conclusively divided the properties, with Schedule C falling to the share of Vaikundarajan



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and Schedule A to the share of Jegatheesan, and that the arrangement had attained legal finality.

29. The learned Senior Counsel would contend that even when Jegatheesan and his family members attempted to reopen the partition through proceedings under Sections 9 and 11 of the Arbitration and Conciliation Act, 1996, all such proceedings were dismissed by the Hon'ble High Court, and the Special Leave Petitions preferred therefrom were also dismissed by the Hon'ble Supreme Court, thereby affirming the existence and operative force of the partition. On that basis, it is argued that the property known as V.V. Minerals, where the alleged incident took place, was admittedly in the possession and enjoyment of Vaikundarajan, and that the *de facto* complainant had no right to enter the same.

30. The learned Senior Counsel insisted that the Receiver appointed by this Court, along with the assistants, had only a limited mandate, namely, to inspect properties which, though allotted to one party, were allegedly in possession of the other. It is argued that V.V. Minerals did not fall within that category. The inspection notice



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dated 21.04.2021, according to the petitioner, did not include the V.V. Minerals premises, because the same was admittedly owned and possessed by Vaikundarajan and was not under dispute. It is further submitted that on the date of occurrence, namely 23.04.2021, the property was a sealed private premises, not open to public access, and even the court-appointed assistants to the Receiver refrained from entering it after being informed that the unit had been sealed by the Government.

31. The learned Senior Counsel thus submitted that the *de facto* complainant and the others who entered the premises did so without legal sanction, and that at best there was only a verbal altercation when objection was raised to such unauthorised entry and videography. Heavy reliance is placed on the report of the advocates assisting the Receiver, especially the portion extracted from the typeset, to contend that the official report submitted before the Hon'ble High Court only records a “wordy quarrel” and does not record any assault, rioting, damage to property or wrongful restraint of the complainant party.



32. The learned Senior Counsel would further submit that the cameras were not damaged in the manner projected by the prosecution, but were only taken to prevent illegal recording inside a sealed private property and were later handed over to the Receiver, as reflected in the memo filed on the same day. It is contended that the prosecution has deliberately suppressed the inspection report, the sealed nature of the premises, and the absence of authority on the part of the complainant to enter the property.

33. As regards the role of the present petitioner/A2, it is argued that he is merely an employee or representative of the lawful owner, and that no specific overt act has been attributed to him. It was further emphasised that there is no injury, no damage, and no independent material specifically connecting him to any act of assault or mischief.

34. In Crl.O.P.(MD) No.770 of 2026, the learned counsel for the petitioner submitted that the FIR is a counterblast instigated by the brother of the petitioner through his employee, and that there was unreasonable delay in registration. It is contended that even on the



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face of the FIR, the ingredients of the alleged offences are not made out. As regards Section 143 IPC, it is argued that there are only four named accused and vague reference to unnamed persons cannot suffice. For Section 341 IPC, it is argued that no force or voluntary obstruction is made out. For Section 365 IPC, it is contended that the petitioner was not present at the place of the alleged abduction and that the complainant actually followed the petitioner, as reflected in the earlier counter-case lodged by the petitioner. For Section 506(ii) IPC, it is argued that at best there was an enquiry about why the *de facto* complainant was following the petitioner and recording him and his sons, and that the allegation of criminal intimidation is wholly inflated.

35. In Crl.O.P.(MD) No.771 of 2026, the petitioner's counsel submitted that the case has been unnecessarily prolonged and that even the later addition of Section 307 IPC does not improve the matter, because the medical record only discloses minor abrasions. It is argued that the incident arose out of a car being manually pushed in the context of a property access dispute and has been grossly exaggerated into an attempt to murder case. The petitioner



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also attempted to rely upon material forming part of the RDO proceedings to demonstrate discrepancies in police station timing entries and alleged harassment, though it was submitted that an affidavit would be filed to explain the source of the annexed materials.

36. The petitioners placed reliance on ***State of Haryana v. Bhajan Lal***¹, ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***², Criminal Appeal No.330 of 2021; ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh***³, Criminal Appeal No.3831 of 2025; and ***Robert Lalchungnunga Chongthu alias R.L. Chongthu v. State of Bihar***⁴.

The arguments on behalf of the respondents / prosecution:

37. The learned Additional Public Prosecutor submitted that the petitions are liable to be dismissed because the final report and the materials collected during investigation clearly disclose a *prima*

1 1992 Supp (1) SCC 335

2 2021 SCC Online SC 315

3 2025 Livelaw(SC) 880

4 2025 SCC OnLine SC 2511



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facie case, and the petitioners are trying to convert the quash jurisdiction into a mini-trial.

38. In Crl.O.P.(MD) No.22939 of 2025, the learned Senior Counsel appearing for the 2nd respondent submitted that the occurrence took place when advocates assisting the Receiver appointed by this Court visited the property and when videography was attempted, there was an attack on those present and video cameras were damaged. He specifically relied upon the final report and the statements of the two advocates who were present at the time of occurrence, as well as the complainant's statement, to contend that there is sufficient *prima facie* material showing that there was an altercation, the camera was snatched, and the prosecution case cannot be thrown out at the threshold.

39. The principal argument of the learned Senior Counsel for the 2nd respondent is that the same or very similar grounds had already been urged by Accused No.1 Vaikundarajan in his earlier quash petition, which was dismissed by this Court in Crl.O.P.(MD) No.877 of 2025. The respondents rely heavily on paragraph 8 of that



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order, wherein this Court observed that if the accused seeks to plead right of private defence, the burden lies upon him under Section 105 of the Evidence Act and such burden can be discharged only during trial.

40. The learned Senior Counsel further contended that all allegations regarding mala fides on the part of the complainant or the police are belated and legally untenable. Reliance was placed on ***State of Bihar v. P.P. Sharma***⁵, particularly paragraphs 16, 23 and 61, to argue that annexures and disputed private documents produced by the accused cannot be treated as evidence in quash proceedings, that allegations of mala fide against the informant based on subsequent events are of no consequence for quashing, and that once the accused allows the investigation to proceed till filing of charge sheet, he cannot thereafter assail the proceedings on the ground of mala fide investigation.

41. It is also argued that the petitioner cannot build the quash plea on documents like the Kaithadi Pathram and allied records, because such materials are disputed and cannot be tested in

⁵ 1992 Supp (1) SCC 222



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proceedings under Section 528 BNSS. It is specifically argued that the accused side is attempting to introduce disputed civil documents and ask the Court to weigh them against the prosecution case, which is impermissible.

42. In Crl.O.P.(MD) No.770 of 2026, the learned Senior Counsel appearing for the 2nd respondent submitted that the matter is one of case and counter-case, and parity itself militates against quashing. It is argued that the petitioner himself had earlier contended, in proceedings filed to quash the counter-case against him, that when a counter-case is pending there is no necessity to stall the proceedings. On merits, it was pointed out that the petitioner's own complaint contains admissions showing that the *de facto* complainant was caught, brought to another place, and questioned, and that these assertions themselves *prima facie* attract offences such as Sections 365, 323 and 506 IPC.

43. In Crl.O.P.(MD) No.771 of 2026, the learned Senior Counsel for the 2nd respondent submitted that the petition is premature, especially in view of the subsequent inclusion of Section



307 IPC by order of the learned Magistrate. It is argued that the petition does not contain necessary pleadings in respect of the Section 307 addition, and that the petitioners are trying to rely on medical records and other materials not properly brought on record. A strong objection was also raised to the petitioner's reliance on annexures said to have been obtained through or connected with the RDO proceedings, on the ground that the source and mode of acquisition were not disclosed. In that regard, reliance was placed on ***Tukaram S. Dighole v. Manikrao Shivaji Kokate***⁶.

44. The respondents also attacked the reliance placed on the RDO report, arguing that the RDO had only a limited jurisdiction under PSO 151 to enquire into police harassment, but had exceeded that remit by venturing into matters touching upon civil rights, police bias, merits of the FIR, and questions that properly belong either to the criminal court or civil court. It was submitted that such a report cannot form the basis for quashing a serious criminal case, much less a case involving Section 307 IPC.

⁶ (2010) 4 SCC 329



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45. The respondents, in effect, rely on **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra**⁷, Criminal Appeal No.330 of 2021, to say that criminal proceedings ought not to be scuttled at the threshold and that unless the complaint and the materials utterly fail to disclose an offence, the Hon'ble High Court must refrain from interference.

The points for consideration:

46. In the light of the pleadings, submissions and materials placed, the following points arise for consideration:

(i) *Whether the allegations in the respective FIRs / final report, taken at face value, disclose the commission of cognizable offences against the petitioners?*

(ii) *Whether the proceedings are vitiated by such patent mala fides, absence of ingredients, or inherent improbability as would justify interference under Section 528 BNSS?*

(iii) *Whether the materials relied upon by the petitioners are of such sterling and impeccable character as to warrant quashment at the threshold?*

(iv) *What reliefs, if any, are the respective petitioners entitled to?*

⁷ 2021 SCC Online SC 315



47. The contours of the jurisdiction under Section 528 BNSS, corresponding to Section 482 Cr.P.C., are well settled. The seminal judgment in ***State of Haryana v. Bhajan Lal***⁸, continues to hold the field. In paragraph 102 thereof, the Hon'ble Supreme Court illustratively enumerated categories where quashing would be justified, including cases where the allegations do not disclose any offence, are inherently improbable, or are manifestly attended with mala fides. Paragraph 103 contains the equally important caveat that such power must be exercised sparingly and that the Court should not embark upon an enquiry into the reliability or genuineness of the allegations.

48. The principles were reaffirmed and elaborated in ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***,⁹ Criminal Appeal No.330 of 2021, wherein the Hon'ble Supreme Court held that investigation should not ordinarily be thwarted at the threshold; that an FIR need not be an encyclopaedia; that quashing is an exception and not the rule; and that the Court, while exercising

9 2021 SCC Online SC 315



inherent powers, is only to see whether the allegations disclose the commission of a cognizable offence.

49. At the same time, in **Pradeep Kumar Kesarwani v. State of Uttar Pradesh**,¹⁰ Criminal Appeal No.3831 of 2025, relying on the ratio in **Rajiv Thapar v. Madan Lal Kapoor**¹¹, Criminal Appeal No. 174 of 2013, the Hon'ble Supreme Court recognised that where the material relied upon by the accused is of sterling and impeccable quality and is sufficient to reject and overrule the factual assertions in the complaint, the High Court may be persuaded to quash the proceedings.

50. Equally relevant is **State of Bihar v. P.P. Sharma**¹², wherein the Hon'ble Supreme Court cautioned that annexures and defence materials not forming part of the police report cannot be treated as evidence in quash proceedings, and that appreciation of evidence is the function of the criminal court.

10 2025 Livelaw(SC) 880

11 2013(3) SCC 330

12 1992 Supp (1) SCC 222



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51. In **Tukaram S. Dighole v. Manikrao Shivaji Kokate**¹³, it was reiterated that even a public document cannot be looked into unless the source and manner of acquisition are properly proved. This principle assumes significance in relation to the attempt to rely upon some annexures forming part of the RDO-related proceedings in Crl.O.P.(MD) No.771 of 2026.

52. The principle that delay in investigation and filing of charge sheet is a relevant consideration, though not by itself determinative, stands recognised in **Robert Lalchungnunga Chongthu alias R.L. Chongthu v. State of Bihar**¹⁴. Guided by the above principles, this Court now proceeds to analyse each case separately.

Analysis in Crl.O.P.(MD)No.22939 of 2025:

53. The present petitioner in Crl.O.P.(MD) No.22939 of 2025 stands on a distinct footing from A1. The prosecution itself projects A1 as the primary actor. The allegation against A2 is not of any specifically narrated act, but only that he was among those who joined together with A1 and others.

¹³ (2010) 4 SCC 329

¹⁴ 2025 SCC OnLine SC 2511



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54. This distinction is not one of mere semantics. Criminal law, especially at the stage where a citizen seeks to be spared the ordeal of trial, does not proceed on collective suspicion. Where several persons are arrayed as accused, the accusation against each must have some discernible content.

55. The complaint, FIR and final report, as placed before this Court, do not identify what exactly A2 did, where he stood, which particular person he assaulted, whether he handled any camera, whether he obstructed any person, or in what manner he facilitated any specific act. The accusation, insofar as A2 is concerned, is, therefore, plainly omnibus.

56. A factor of substantial importance in this case is the report submitted by the advocates assisting the Receiver appointed by this Court. This report is contemporaneous. It is not generated in the course of adversarial criminal litigation. It emanates from functionaries acting under the authority of this Court.



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57. The said report does not narrate an incident of violent assault, rioting, or wrongful confinement of the kind subsequently projected in the complaint and charge sheet. On the contrary, it refers only to a “wordy quarrel” and indicates that the situation was brought under control.

58. This Court is conscious that such a report cannot be mechanically treated as conclusive proof of innocence. At the same time, it cannot be wholly ignored when the Court is called upon to examine whether the prosecution story, at least against a peripheral accused, possesses inherent credibility.

59. The dissonance between a contemporaneous judicially-linked record and the later expanded criminal version assumes heightened significance in a petition of this nature, especially where the accused before the Court is not the principal actor, but a secondary accused sought to be made constructively liable.

60. To attract Section 147 IPC, the prosecution must *prima facie* establish unlawful assembly and use of force or violence by



such assembly or any member thereof in prosecution of the common object.

61. In the present case, there is no specific allegation that A2 used force or violence. Nor is there material disclosing how he became part of an unlawful assembly or what common object he shared. A bald statement that he was present with others is not enough.

62. Vicarious liability under Section 149 IPC cannot be fastened by mere association. There must be *prima facie* material showing common object, knowledge of that object, and participation in furtherance thereof. The final report does not disclose any prior meeting of minds, premeditation, or identifiable conduct on the part of A2 from which such common object can be inferred.

63. Wrongful restraint requires voluntary obstruction preventing a person from proceeding in a direction in which such person has a right to proceed. The prosecution has not attributed any individual act of restraint to A2.



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64. The allegation of hurt is also wholly general. No particular injury is correlated to any act of A2. No victim attributes any specific blow or assault to him in the materials placed before this Court.

65. To attract Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, there must be intentional or knowing causation of damage. There is absolutely no material to show that A2 handled any camera or damaged any property.

66. The broader background of the case is admittedly one of bitter family and business litigation. Civil proceedings, arbitral proceedings, execution-related disputes and contest over management and possession provide the backdrop to the occurrence. The law is indeed settled that the existence of a civil dispute does not by itself negate criminality. Yet, where the accusation against a particular accused is nebulous, and where that accused is only an employee with no stake in the underlying civil contest, the Court must be astute to the possibility of over-implication.



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67. In the considered view of this Court, the present petitioner/A2 appears to have been drawn into the prosecution more because of his association with A1 than because of any clearly attributable criminal act.

68. Much reliance was placed by the respondents on the dismissal of A1's quash petition in Crl.O.P.(MD) No.877 of 2025. This Court is unable to hold that such dismissal, by itself, forecloses the present petitioner's plea.

69. A1 stood on a wholly different footing. The allegations against A1 were direct and central. The present petitioner/A2 stands on a peripheral footing, with no specific overt act attributed to him. The fate of A1's petition, therefore, cannot mechanically govern A2's case.

70. Applying the principles in ***State of Haryana v. Bhajan Lal***¹⁵ and ***Pradeep Kumar Kesarwani***, this Court is of the view that, insofar as the present petitioner/A2 is concerned, the materials

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do not disclose a *prima facie* case sufficient to compel him to face trial.

71. The continuation of proceedings against him would amount to subjecting a person, against whom the accusation is essentially faceless and omnibus, to unnecessary criminal process. Such continuation would be an abuse of process.

Analysis in Crl.O.P.(MD) No.770 of 2026:

72. The prosecution in this case alleges wrongful restraint, assault, abduction, confinement and intimidation. The petitioner projects a rival narrative that the complainant was himself following him, that he was merely apprehended and handed over to the police, and that the present FIR is a counterblast to Crime No.796 of 2020. The central difficulty in accepting the petitioner's plea at the threshold lies in the fact that this case presents a clear case-and-counter-case structure. The rival versions are not collateral; they are directly adversarial. To accept one version and reject the other at this stage would necessarily require this Court to enter the forbidden terrain of factual adjudication.



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73. It is true that the FIR came to be registered only on 20.06.2021 though the occurrence is alleged to have taken place on 18.11.2020. However, the 2nd respondent has set out a sequence of events, namely, the recording of complaint while in hospital, the subsequent postal complaint, and the recourse under Section 156(3) Cr.P.C. Whether that explanation is ultimately satisfactory is a matter for appreciation on evidence. At the quash stage, where the delay is sought to be explained through procedural inaction by police, this Court cannot conclude that the delay by itself demolishes the FIR.

74. The petitioner would contend that only four persons are named and therefore unlawful assembly is not made out. This argument is not sufficient at this stage because the FIR itself speaks of the petitioner and others. At the stage of quash, the Court cannot truncate the prosecution version by counting only named accused if the allegation is of a larger group.

75. The FIR alleges interception and restraint. Whether such restraint actually occurred, or whether the complainant was merely



stopped and questioned, is a matter of proof. It cannot be said, at this stage, that the ingredients are wholly absent.

76. The petitioner's own version in the earlier complaint, as pointed out by the respondent, appears to acknowledge that the complainant was caught, brought, and dealt with. The exact legal quality of that conduct is a matter for trial, but it cannot be said that the allegations of abduction and confinement are so absurd on their face as to warrant quash. The prosecution relies on hospital treatment. The petitioner disputes the nature and extent of injury. This is plainly evidentiary.

77. Whether the conduct and words attributed to the petitioner amount to criminal intimidation also cannot be pre-judged at this stage, especially where the complainant alleges coercion and fear.

78. The contention that the FIR is a counterblast to Crime No. 796 of 2020 is a weighty submission, but not a decisive one for quash in the present factual matrix. Criminal law does encounter counter-versions. The existence of a prior FIR may lend context; it



does not, by itself, nullify the later FIR if the later FIR discloses a *prima facie* case.

79. Indeed, if the earlier case itself was found by this Court to warrant full investigation, it would be difficult to hold, at this preliminary stage, that the connected counter-version deserves to be shut out altogether.

80. This Court is therefore unable to hold that the FIR in Crime No.402 of 2021 falls within any of the ***State of Haryana v. Bhajan Lal***¹⁶ categories so plainly as to justify quashing.

81. The contentions raised by the petitioner, though substantial, are in the realm of defence and factual rebuttal. They may be urged before the competent forum at the appropriate stage. This is not a fit case for interference under Section 528 BNSS.

Analysis in Crl.O.P.(MD) No.771 of 2026.

82. A substantial part of the petitioner's argument is built on the premise that the INTEC Workshop property belongs exclusively

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to him under the Kaithadi Partition Deed dated 31.12.2018 and that, therefore, no allegation of trespass or wrongful conduct can lie against him in relation to his own property.

83. This submission, though facially attractive, encounters an important difficulty. The respondents have specifically pointed out that the issue regarding the validity, veracity and enforceability of the Kaithadi document has again come under challenge and, according to them, the Hon'ble Supreme Court, by order dated 10.02.2026, has left the issue to be adjudicated by the competent civil Court.

84. Therefore, the petitioner's assertion of title and exclusive possession is not a pristine and incontrovertible fact for the purpose of these quash proceedings. It remains a disputed civil issue. This Court cannot, in proceedings under Section 528 BNSS, conclusively pronounce upon title and possession in a manner that would effectively decide civil rights.



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85. The petitioner has heavily relied upon the enquiry report of the Revenue Divisional Officer, Nagercoil, which is said to record findings that the incident was falsely projected, that injuries were exaggerated, and that the concerned police officer manipulated records and forged the CSR.

86. This Court is not inclined to treat the RDO report as a decisive foundation for quash. The respondents are right in contending that the Executive Magistrate does not possess jurisdiction to adjudicate the legal sustainability of a pending criminal investigation in the manner sought to be projected.

87. Further, the report is itself under challenge in its reach and scope. The respondents also object to the use of annexures connected with the RDO proceedings on the ground that their source and mode of acquisition are not properly established.

88. In view of ***Tukaram S. Dighole v. Manikrao Shivaji Kokate***¹⁷, this Court must be circumspect in acting upon such materials at the quash stage. Therefore, while the RDO report may

¹⁷ (2010) 4 SCC 329



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form part of the petitioner's broader grievance against the manner of registration, it cannot by itself furnish an unimpeachable basis to quash the FIR.

89. The petitioner has pointed out contradictions between the FIR timeline and the General Diary entries, particularly as to when the complaint was received, whether the officer left the station, and whether the FIR was registered in the manner stated.

90. These are undoubtedly serious allegations. However, they are not self-proving merely because they are asserted. Their legal effect would depend upon proof, explanation and proper evidentiary examination.

91. At the stage of quash, this Court cannot undertake a forensic reconstruction of station diary entries and hospital timelines so as to pronounce upon the falsity of the FIR.

92. The FIR alleges that the petitioner came along with several persons and used force in relation to the occurrence. Whether they



constituted an unlawful assembly with common object is a matter to be investigated and, if necessary, tried. It cannot be said at this stage that Section 147 IPC is wholly *ex facie* absent.

93. The petitioner argues that one cannot trespass into one's own property. In principle, that proposition is correct. But in the present case, the premise of exclusive title and lawful possession is itself disputed. The Court cannot accept the petitioner's civil title as an established fact so as to quash the criminal case on that basis.

94. The FIR may be vulnerable on the ground that specific obscene words are not reproduced. Yet, whether that aspect alone should lead to quash of the entire FIR is another matter. At best, it is a weakness in one count; it does not erase the remaining allegations.

95. The petitioner submits that no dangerous weapon is alleged. The FIR, however, projects an occurrence involving forcible movement of a vehicle and injury. Whether Section 324 is strictly attracted, or whether some other penal provision is more apt, is a matter for the investigating agency and, ultimately, the trial court.



Misdescription or overstatement of one section does not warrant quash of the entire FIR when the core allegations still disclose cognizable conduct.

96. There is a specific allegation regarding damage to the windscreen of a Bolero vehicle and quantification of loss at Rs. 50,000/-. That allegation, on its face, cannot be said to be too vague to survive threshold scrutiny. The FIR alleges threats and intimidation in the course of a heated and allegedly violent occurrence. Whether the threat meets the legal threshold of criminal intimidation is again not something this Court can conclusively decide at this stage.

97. Much emphasis was placed by the petitioner on the later addition of Section 307 IPC. This Court finds force in the submission that the factual allegations, as presently projected, do not obviously spell out a clear homicidal intention in the classical sense. However, the question here is not whether conviction under Section 307 would ultimately follow, but whether the prosecution should be quashed in *limine*.



98. Once the core occurrence itself is under investigation and the allegation includes use of a vehicle in a manner said to endanger life, this Court would be slow to interdict the entire matter merely because the petitioner disputes the applicability of Section 307 IPC. That issue may well be tested at the appropriate procedural stage.

99. The petitioner is justified in complaining that the investigation has remained pending for an unduly long period. The alleged occurrence is of the year 2022 and yet no final report has been filed.

100. In **Robert Lalchungnunga Chongthu alias R.L. Chongthu v. State of Bihar**¹⁸, the Hon'ble Supreme Court underscored that investigations cannot continue endlessly and that undue delay is a relevant ground for invoking the High Court's jurisdiction.

101. However, delay in investigation, though a relevant circumstance, does not necessarily mandate quash where the FIR discloses *prima facie* offences and the issues remain factually

¹⁸ 2025 SCC OnLine SC 2511



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contested. The proper course, in the peculiar facts of this case, would be to direct expeditious completion of investigation.

102. This Court is therefore unable to hold that Crl.O.P.(MD) No.771 of 2026 deserves quashment at the threshold. The petitioner's case is substantially built on disputed facts, civil title, contested documents, and the RDO report, none of which can be treated as conclusive at this stage.

103. Nevertheless, the prolonged pendency of investigation cannot be countenanced and deserves to be curtailed by an appropriate direction.

Epilogue:

104. The criminal law is not to be permitted to become a private weapon in family wars, nor can the cloak of civil dispute be used to sterilise allegations that may yet disclose genuine criminality. The present batch exhibits both dangers.



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105. In Crl.O.P.(MD) No.22939 of 2025, the accusation against A2 is too diffuse, too omnibus, and too weakly supported to justify compelling him to undergo the ordeal of trial.

106. In Crl.O.P.(MD) Nos.770 of 2026 and 771 of 2026, however, the issues are deeply factual, the rival narratives are sharp, and the allegations, taken at face value, cannot be said to be so absurd or legally sterile as to warrant annihilation of the proceedings at the threshold.

107. The inherent power of this Court is neither ornamental nor unbridled. It is a power of constitutional prudence invoked to cut short abuse, but never to pre-empt lawful adjudication where the truth must emerge through the discipline of investigation and trial.

108. In the result,

(i) Crl.O.P.(MD) No.22939 of 2025 is **allowed**. The proceedings in P.R.C. No.5 of 2024 on the file of the learned Judicial Magistrate No.I, Tirunelveli, are quashed insofar as the petitioner/A2 is concerned alone.



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(ii) Crl.O.P.(MD) No.770 of 2026 is **dismissed**. It is open to the petitioner to raise all factual and legal defences before the competent Court at the appropriate stage.

(iii) Crl.O.P.(MD) No.771 of 2026 is **dismissed**. However, the 1st respondent police is directed to complete the investigation in F.I.R.Nos. 402 of 2021 & 221 of 2022 and file final report within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, all connected miscellaneous petitions are closed.

.2026

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

To

1.The Judicial Magistrate Court No.1,
Tirunelveli.

2.The Inspector of Police,
OCU, CBCID,
Tirunelveli City,
Tirunelveli District.



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- 3.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
- 4.The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)No.22939 of 2025

L.VICTORIA GOWRI, J.

Sml

Crl.O.P.(MD).Nos.22939 of 2025, 770 & 771 of 2026

30.04.2026