

S.Palanivel Rajan vs The Deputy Superintendent Of Police on 27 November, 2025

Author: M.Nirmal Kumar

Bench: M.Nirmal Kumar

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.09.2025
PRONOUNCED ON : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.9679, 9652, 9651 & 9646 of 2025
and
Crl.M.P.Nos.6404, 6405, 6380, 6382,
6377, 6378, 6371 & 6372 of 2025

Crl.O.P.No.9679 of 2025:

S.Palanivel Rajan

Vs.

The Deputy Superintendent of Police,
Central Bureau Investigation,
Special Crime Branch,
Rajaji Bhavan,
Besant Nagar,
Chennai – 600 090.

PRAYER: Criminal Original Petition is filed under Section 528 of Bharat
Nagarik Suraksha Sanhita, 2023, to call for the records in C.C.No.622
on the file of the learned Additional Chief Metropolitan Magistrate, E
Chennai and quash the same.

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(Uploaded on: 27/11/2025 04:01:31 pm)

For Petitioner : Mr.T.Gowthaman, Senior Counsel for
Ms.J.Madhumitha

For Respondent : Mr.K.Srinivasan, Special Public Pr
for CBI Cases

Crl.O.P.No.9652 of 2025:

R.Rajendran

Vs.

The Deputy Superintendent of Police,
Central Bureau Investigation,
Special Crime Branch,
Rajaji Bhavan,
Besant Nagar,
Chennai – 600 090.

PRAYER: Criminal Original Petition is filed under Section 528 of Bharat
Nagarik Suraksha Sanhita, 2023, to call for the records in CC.No.624 o
on the file of the learned Additional Chief Metropolitan Magistrate, E
Chennai and quash the same.

For Petitioner : Mr.T.Gowthaman, Senior Counsel for
Ms.J.Madhumitha

For Respondent : Mr.K.Srinivasan, Special Public Pr
for CBI Cases

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<https://www.mhc.tn.gov.in/judis>

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Crl.O.P.No.9651 of 2025:

J.Suresh

Vs.

The Deputy Superintendent of Police,
Central Bureau Investigation,
Special Crime Branch,
Rajaji Bhavan,
Besant Nagar,
Chennai – 600 090.

PRAYER: Criminal Original Petition is filed under Section 528 of Bharat
Nagarik Suraksha Sanhita, 2023, to call for the records in CC.No.625 of 2023
on the file of the learned Additional Chief Metropolitan Magistrate, E
Chennai and quash the same.

For Petitioner : Mr.T.Gowthaman, Senior Counsel for
Ms.J.Madhumitha

For Respondent : Mr.K.Srinivasan, Special Public Prosecutor
for CBI Cases

Crl.O.P.No.9646 of 2025:

A.Vinayagamurthy

... P

Vs.

The Deputy Superintendent of Police,
Central Bureau Investigation,
Special Crime Branch,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

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<https://www.mhc.tn.gov.in/judis>

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PRAYER: Criminal Original Petition is filed under Section 528 of Bharat
Nagarik Suraksha Sanhita, 2023, to call for the records in CC.No.626 of 2023

on the file of the learned Additional Chief Metropolitan Magistrate, E
Chennai and quash the same.

For Petitioner : Mr.T.Gowthaman, Senior Counsel for
Ms.J.Madhumitha

For Respondent : Mr.K.Srinivasan, Special Public P
for CBI Cases

COMMON ORDER

The petitioner in Crl.O.P.No.9679 of 2025 is an accused in C.C.No.622 of 2025, petitioner in Crl.O.P.No.9652 of 2025 is an accused in C.C.No.624 of 2025, petitioner in Crl.O.P.No.9651 of 2025 is an accused in C.C.No.625 of 2025 and petitioner in Crl.O.P.No.9646 of 2025 is an accused in C.C.No.626 of 2025.

2.Since all cases arise out of the common FIR in RC.2(S)/2009 dated 09.03.2009 and the grounds raised by the petitioners are identical, all petitions are disposed of by a common order. Added to it, the case against P.Vijay Babu S/o.Perumal against whom charge sheet filed in C.C.No.623 of 2025 died on 01.11.2023 and his case also considered.

<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch

3.The case of the prosecution is that this Court in suo motu W.P.(PIL).No.3335 of 2009 observed that “it will also be open to the CBI to register a case on the basis of the Court's Order dated 19th Feb 2009 relating to the incident that took place in the campus of High Court, Madras on 19.02.2009”. The said order was communicated vide letter No.57/2009 dated 20.02.2009 by the Assistant Registrar (C.S.IV), High Court, Madras. A scanned reproduction of the order is as follows:

<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch <https://www.mhc.tn.gov.in/judis> (Uploaded on:
27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch
<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch <https://www.mhc.tn.gov.in/judis> (Uploaded on:
27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch
<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch <https://www.mhc.tn.gov.in/judis> (Uploaded on:
27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch
<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch

4. Thereafter, it was taken up on several hearings and final order was came to be passed in suo motu W.P.(PIL)No.3335 of 2009 on 29.10.2009. The order runs to 744 pages wherein several directions issued and the direction issued to CBI is extracted hereunder:

“IV.Directions to CBI:

(a) We direct CBI to proceed with the investigation in R.C.No.1(s)/2009/CBI/SCB/Chennai registered against the lawyers in accordance with law.

(b) In so far as, R.C.No.2(s)/2009/CBI/SCB/Chennai, registered against the Police, CBI is directed to proceed with the investigation in accordance with law.

(c) The CBI shall proceed with the investigation in both the cases expeditiously and file the final report within three months from the date of this order.”
<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch

5. On the above facts as recorded by the High Court, the above case for the offence under Sections 144, 147, 148, 323, 325, 326, 427, 436 and 450 IPC and Section 3(1) and 4 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 (TNPPDL Act) in RC.2(S)/2009 registered. On completion of investigation, charge sheet filed against S.Palanivelrajan S/o.A.Subramanian, Police Constable, Tamil Nadu Commando Force, Chennai, P.Vijay Babu S/o.Perumal, Police Constable, Tamil Nadu Special Police, Veerapuram, Chennai, P.Suresh S/o.Jayaraman, Police Constable, Pudupet, Chennai, R.Rajendran S/o.P.Rangasamy, K-10 Koyambedu Police Station, Chennai and P.Vinayagamurthy, Police Constable/Driver, Kasimedu Police station, Chennai.

On completion of investigation, five final reports filed on 12.01.2010.

6. The contention of the learned senior counsel for the petitioners is that FIR in RC.2(S)/2009 was registered on 09.03.2009 for the attack took place on 19.02.2009 after a delay of 18 days without any reason or explanation for the delay FIR registered. Further FIR is registered against unknown Police Officers and unknown others. The arraying of petitioners by the respondent in the charge sheet is contrary to law and facts. There is no material evidence against the petitioners. He would submit that from the FIR, it is seen that there was <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch some clash and assault on Advocates, Court staffs and litigants all injured due to lathi charge but no details of the injured and the nature or grievousness of the injury given. He would further submit that the learned Additional Chief Metropolitan magistrate not taken cognizance of the charge sheet even after a lapse of 15 years, a bar under Sections 514 and 519 of BNSS (erstwhile Section 468 Cr.P.C.) attracted. On the date of the alleged occurrence, there was a lathi charge, contingent of Policemen inside the High Court premises

drawn from various Police Stations, Battalions and Special Armed Force deployed and now the petitioners are targeted made as scapegoat. In the charge sheet it is recorded that petitioners arrayed as accused primarily from the video and photographs collected through press, media and Police photographers. It is seen that during latti charge almost all Policemen wearing helmet with visor covering their face, therefore identifying the face of the person is highly impossible. Further the pictures are blurred and facial features unclear, not identifiable but than how the petitioners were identified by some Advocates and the persons present inside the Court on that day by name is highly doubtful, further no certificate under Information Technology Act obtained and no identification parade conducted. He further submitted that even on a demur the materials collected no way confirm the petitioners overt act. The petitioners <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch being member of the Police/Armed Force, their motto is to obey the orders. The petitioners are low rung in the Police force having no authority are only to obey the orders of the superior officers. It is not the case that there was no order of latti charge, several Police Officers such as Sub-Inspector of Police, Inspector of Police, Assistant Commissioner, Deputy Commissioner, Joint Commissioner, Additional Commissioner and Police officers of IPS rank all present. It is the Additional Commissioner of Police who was at the command and below him other Police Officers. It is not the case of the prosecution that without the orders of the senior Police Officers, latti charge carried out by the petitioners.

7.The learned senior counsel further submitted on conclusion of investigation, in RC 1(S)/2009/SCB/CHN charge sheet filed against 34 Advocates, and is pending committal in P.R.C.No.8 of 2010. The undisputed fact is that in the High Court campus on 19.02.2009 there was attack by the Advocates on the Police using bricks, stones and heavy articles, the situation was chaotic and mayhem prevailed. To deter further attack and further damage to B4 High Court Police Station, the Advocates were chased away using minimum force and in the melee, stones were used as a weapon rained against <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch the Police force who were attacked mercilessly. Some Police Constables got injured, blood injury sustained and some sustained skull injury, all injured rushed to the Hospital and later Police force withdrawn from High Court campus and stationed in B2 Esplanade Police Station on the direction of High Court. Taking advantage of withdrawal of Police force, some Advocates broke open B4 High Court Police Station and set it on fire and vehicles parked there, caused damage to the properties. Police force was used to disburse the crowd, the petitioners were one among the hundreds of Policemen deployed in the High Court campus, all obeyed the orders of superiors discharged their official duty, but now it is projected as though the petitioners targeted certain Advocates given latti blows causing severe injuries and caused damage to the two wheelers and four wheelers of the Advocates and damaged windows, doors in the High Court campus. The case projected against the petitioners admittedly based on the photographs published in the newspapers and video clippings telecasted in TV channels and petitioners arrayed as accused. Except the photographs and video clipping that are blurred and not clear, there is no specific overt act confirming petitioners targeted and attacked Advocate or anyone and caused damage. The witnesses in this case are Registrar (Administration), Registrar (Judicial), Registrar (Management), Private Secretary to Hon'ble The Chief <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch Justice, Assistant Commissioner of Police, Flower Bazaar Police Station, Deputy Commissioner of Police, Pulianthope, some other

Police Officers, Advocates and Press people. They all state about the incident that happened on 19.02.2009 and the steps taken by the Court thereafter. The statement of Police Officials confirms mobilizing of police force from various places including from battalion and special force. It was war like situation inside the High Court premises. The petitioners are Constables, deputed to duty like many others and all acted only on the orders of superior officers. In fact, the similarly placed persons, are listed as witness in P.R.C.No.8 of 2010. The petitioners are falsely implicated in this case for obvious reasons. Further the incident took place on 19.02.2009 and charge sheet filed in the year 2010, taken on file in the year 2025 which is 16 years from the date of occurrence. Due to the pendency of the above case, career and service prospects greatly affected. On the ground of long delay, the case against two Advocates in the counter case P.R.C.No.8 of 2010 quashed by this Court. He further submitted that one of the Police Constable against whom charge sheet filed in C.C.No.623 of 2025 filed, namely, P.Vijay Babu S/o.Perumal died on 01.11.2023.

8.In support of his contentions, the learned senior counsel relied upon the following decisions:

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- 1) In the case of Raj Deo Sharma vs. State of Bihar reported in (1998) 7 SCC 507 for the point that the Apex Court supplementing to the decision of the Constitutional Bench in the case of Abdul Rehman Antulay vs. R.S.Nayak ((1992) 1 SCC 225) had given guidelines to complete the trial within a stipulated period and in the absence of the same, to terminate the trial.
- 2) In the case of Seeta Hemchandra Shashittal and another vs. State of Maharashtra and others reported in (2001) 4 SCC 525, the Apex Court held that offence punishable with imprisonment for a term not exceeding three years has to be taken cognizance of by the Court concerned within three years of the date of registration of the FIR.
- 3) In the case of Mahendra Lal Das vs. State of Bihar and others reported in (2002) 1 SCC 149, wherein the Apex Court quashed the investigation when the case was kept pending for not granting sanction for more than 13 years. In this case, charge sheet filed in the year 2010 but taken on file only recently in the year 2025.
- 4) In the case of P.Rama Chandra Rao vs. State of Karnataka reported in (2002) 3 SCR 16, wherein the Constitutional Bench referring to the previous directions given by the Apex Court held that speedy trial is a <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)
Crl.O.P.Nos.9679 of 2025 batch fundamental and constitutional right.
- 5) In the cases of Pankaj Kumar vs. State of Maharashtra and others reported in (2008) 16 SCC 117, Vakil Prasad Singh vs. State of Bihar reported in (2009) 3 SCC 355, Niranjan Hemchandra Sashittal and another vs. State of Maharashtra reported in (2013) 4 SCC 642 and Lokesh Kumar Jain vs. State of Rajasthan reported in (2013) 11 SCC 130, the Apex Court held that right to speedy trial in all criminal prosecution is an inalienable right under Article 21 of the Constitution. This right is

applicable not only to the actual proceedings in court but also includes within its sweep the preceding police investigations as well. The right to speedy trial extends equally to all criminal persecutions and is not confined to any particular category of cases.

6) In the case of Sirajul and others vs. State of Uttar Pradesh and another reported in (2015) 9 SCC 201 for the point that mere delay in completion of proceedings cannot be by itself a ground to quash proceedings where offences are serious but the Court having regard to the conduct of the parties, nature of offence and the extent of delay in the facts and circumstances of a given case, quash the proceedings in exercise of jurisdiction under Section 482 Cr.P.C. in the interest of justice and to <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch prevent abuse of process of the Court.

9.The learned Special Public Prosecutor filed his counter and submitted that the petitioners raised frivolous contentions to mislead this Court and to evade due process of law. They failed to demonstrate any legal ground or abuse of process of law or violation of fundamental rights warranting interference by this Court. On 09.03.2009 the CBI registered a case in RC 2(S)/2009 against Police officials and others in compliance to the order dated 02.03.2009 of this Court passed in suo motu W.P.(PIL).No.3335 of 2009 wherein it was observed by this Court that “it will also be open to the CBI to register a case on the basis of the Court's order dated 19.02.2009, relating to the incident that took place in the campus of the Hon'ble High Court of Madras on 19.02.2009”, which is for beating advocates and causing damage to their properties, by policemen. After completion of investigation, CBI filed five separate charge sheets against five individual Police Personnel viz., three charge sheets against three different Policemen for commission under Section 427 IPC and Section 3(i) of TNPPDL Act, 1992 and two charge sheets against two other Policemen for commission of offence under Sections 323 and 352 IPC for their specific individual overt act based on the oral, documentary and materials collected. The Trial Court took <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch cognizance assigning C.C.Nos.622/2025, 623/2025, 624/2025, 625/2025 and 626/2025 to the case. Now petitioners who are accused in the above case filed quash petitions. He further submitted that the petitioners members of Police Force including Special Police (Riot Police) wielding lattis or guns entered inside the Court, pelted stones on the lawyers and latti charged Advocates causing injury, damaging the car windows and doors, window panes of the office and chamber of the Subordinate Judges and more than 200 cars damaged apart from two wheelers. There was some delay in registering FIR, it was only procedural. After registration of FIR, case was promptly and swiftly investigated without any delay. Mere delay in registration of FIR without any proof of malafide or prejudice, the accused cannot claim cases to be quashed. It is settled legal principle that FIR need not name all accused at the initial stage. FIR is only the first step in investigation and to bring the Criminal Law into motion, names of the accused persons included in the case after ascertaining and confirming their role during investigation. In this case, charge sheet contains sufficient evidence and materials, prima facie to proceed with trial. The petitioner are attempting to pre-empt the judicial process without facing trial on merits. The delay in taking cognizance of the charge sheet filed does not ipso facto vitiate the proceedings especially when the delay is procedural <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch and not due to the prosecution. The witnesses listed in this case identified the accused persons/petitioners by the

photographs in the magazines, newspapers, TV news clippings which widely covered the assault on Advocates in the High Court campus. In this case, the witness who were present at the time of the assault are Advocates, Policemen, reporters, photographers all examined as witness, photographs and pictures shown to them who identified the accused persons. Even the Secretary of Madras High Court Advocates' Association and the Public Prosecutor of Human Rights Commission identified the Policemen involved in the assault, Senior Police Officers confirmed duty assigned to the petitioners in the High Court campus at the time of assault. The injured witnesses identified the Policemen. He further submitted that mere delay alone would not qualify for quashing of the charge sheet, more so in this case when charge sheet filed in the year 2010, but cognizance taken in the year 2025 and there is no delay on the part of the prosecution. It is only an administrative and procedural delay by the Court and the petitioner cannot take advantage of it.

10. Considering the submissions made and on perusal of the materials, it is seen that in this case, unfortunate incident took place on 19.02.2009 in the history and annals of High Court of Madras (names of the Advocates shown as <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch accused are not mentioned, consciously not to further cause embarrassment to them). A prelude to the incident on 19.02.2009 will throw some light as to why such catastrophe happened. Everyone, be it Advocate, litigants, staff, Judicial Officers, Policemen and even a Judge of the High Court got hurt everyone were found running helter-skelter. The entire place turned a war zone and it was under nobody's control. The incident took place on 19.02.2009 was not a one day affair, it was brewing for some time. An uneasy calm prevailing for some time. The records show that in W.P.No.3197 of 2007 this Court directed that a Police Station shall be maintained with sanctioned strength of 252 Police Personnel at all times. Of these 252 Personnel, 132 are Armed Reserve Police Personnel, further in case of requirement, the Deputy Commissioner of Police, Flower Bazaar Police Station can deploy more Armed Reserve personnel apart from the existing strength. The Government of India issued guidelines on 31.05.2007 for security of High Courts and Subordinate Courts in the Country, after the Mumbai blasts, directions issued by Government of India to the Chief Secretary on 17.11.2008 to review security arrangements in the High Courts and other Courts. The Security Committee of High Court of Madras reviewed the security system and as per the revised security arrangement, a Static Armed Guard of 1 and 4 posted at all entrances to <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch the High Court campus for effective checking against any unauthorized entry into the High Court campus. In January 2008, while reviewing the security of the Madras High Court, a proposal presented by the Madras City Police to the Committee of judges which are as follows:

- (1) Static Armed Guards at all entrances, (2) a fully armed Quick Reaction Team with one SI and ten Police Personnel per shift, (3) availability of suitable reinforcement of security personnel when sensitive cases are being heard, (4) a permanent picket of the State Police under the charge of an officer of appropriate rank to be located within or near the High Court premises to deal with traffic as well as law and order situation, (5) provision for striking reserve and (6) High Court Zone should be declared as a High Security Zone.

11.The proposal envisaging the deployment of 451 personnel was approved by the Committee of Judges in their proceedings dated 28.01.2008. It took one full year to complete the formalities of issuance of ID cards by various Advocate Associations to their members. The Security Scheme was introduced through a simple ceremony presided over by the Hon'ble Acting Chief Justice on 23.01.2009. A Quick Reaction Team headed by an Officer was positioned <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch inside the Madras High Court premises from 28.01.2009 when the new scheme became fully operational. The Police were authorized to ask for ID cards of Advocates and check the entry of every Advocate and persons accompanying him. The vehicles and luggages were also permitted to be checked. This new security system created resentment among lawyers and consequent tension with the Police Personnel.

12.On 17.02.2009, Dr.Subramaniam Swamy in connection with Chidambaram temple case came to High Court to argue the case as party-in- person before Hon'ble Mr.Justice P.K.Mishra and Hon'ble Mr.Justice R.Chandru. Around 11.45 a.m., some agitating lawyers entered the Court hall of Hon'ble Mr.Justice P.K.Mishra Bench and started abusing and assaulting Dr.Subramaniam Swamy and thrown eggs on him under the direct gaze of the Hon'ble Judges. The then Registrar General immediately rushed to Court Hall No.3 from where noise was emanating. The Registrar (Administration) also rushed to the spot found about 20 persons wearing black pant and white shirt and black pant including three ladies reportedly Advocates prevented the Police Officials from entering the Court Hall No.3 and closed the door. The Judges frowned upon the misbehaviour of the lawyers and recorded the same in the <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch order dated 17.02.2009. A copy of the order forwarded to the Hon'ble Acting Chief Justice for appropriate action, the Registry was directed to send a copy of the said order to the Hon'ble Chief Justice of India.

13.Pursuant to the incident on 17.02.2009, the Additional Director General of Police (Law and Order) wrote a letter to the Registrar General pointing out the unsavory incident that took place in Court Hall No.3 and sought for the concurrence to register a criminal case and set the criminal law in motion against the Advocates. The Registrar General by communication dated 18.02.2009 informed the Commissioner of Police that it is for the Police to register any criminal case on its own and the concurrence of the Registry is not required in law. In fact, the Hon'ble Acting Chief Justice showed a list of seven to eight lawyers who are involved in the incident. The Police registered a case in Crime No.13 of 2009 under Sections 147, 451, 355, 353, 332, 506(ii) and 307 IPC r/w. Section 3(i) of TNPPDL Act at B4 High Court Police Station on 18.02.2009 against 14 named Advocates and 6 others, on the complaint by Mr.M.P.R.Khader Mohideen, Assistant Commissioner, High Court Range. The Police made efforts to arrest the accused named in Crime No.13 of 2009 and one of them was picked up from his residence.

<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch

14.The case in which Dr.Subramaniam Swamy appeared on 17.02.2009 was adjourned to 19.02.2009, and to be taken before Court Hall No.3. On 18.02.2009 the Commissioner of Police

attended a meeting convened by the Hon'ble Acting Chief Justice in his Chambers and while deploring the incident of 17.02.2009 asked the Police to be firm in taking action against the erring Advocates. The Commissioner of Police had specific intelligence input from the Intelligence Section of the City Police and the State Special Branch CID that the Advocates who were involved in the incident on 17.02.2009 in Court Hall No.3 would create serious problems again when Dr.Subramaniam Swamy was scheduled to visit High Court in connection with a case before the Hon'ble Acting Chief Justice and in Court Hall No.21 on 19.02.2009. The Commissioner of Police arranged heavy Police guard in the High Court campus in order to ensure no untoward incident takes place on 19.02.2009. Dr.Subramaniam Swamy appeared before the Court presided by Hon'ble Acting Chief Justice as well as Court Hall No.21 on 19.02.2009 and left the High Court campus around 11.30 a.m.

15. The Joint Commissioner of Police withdrew Police force from the <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch High Court campus and stationed in B2 Esplanade Police Station situated abutting the High Court campus for debriefing, while being so at about 12.00 noon two Advocates came to B2 Esplanade Police Station and asked for the list of Advocates named in Crime No.13 of 2009 and informed that the named Advocates are willing to surrender themselves and the Police not to visit their house or office and cause embarrassment to the named Advocates. The jurisdictional Joint Commissioner of Police dealt with the claim of surrender. The two Advocates promised to bring all the named accused positively for surrender, the jurisdictional Joint Commissioner of Police restrained arresting the accused in a haste. The debriefing of the police was withdrawn awaiting the surrender of the named Advocates. During that time, a group of Advocates lead by the Former President of the High Court Advocate Association in large number went to B4 High Court Police Station situated inside the High Court campus and represented that the accused named in Crime No.13 of 2009 ready to surrender. When the Police was to take them into custody, resistance shown by Advocates and they demanded arrest of Dr.Subramaniam Swamy as a pre- condition for their surrender. The jurisdictional Joint Commissioner of Police waiting in B2 Esplanade Police Station, rushed to B4 High Court Police Station with some Police strength. A case was registered against Dr.Subramaniam <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) CrI.O.P.Nos.9679 of 2025 batch Swamy in Crime No.14 of 2009 under Section 3(1)(x) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act read with Section 506(ii) IPC and a copy of the FIR in Crime No.14 of 2009 handed over to the Advocates, who thereafter made a turn around demanded arrest of Dr.Subramaniam Swamy as a pre-condition and refused to surrender. The jurisdictional Joint Commissioner of Police now caught in a fix, found the tension mounting and the Advocates involved in the incident on 17.02.2009 who had come there on the guise of surrender, started addressing the media and raising abusive slogans. Soon other Advocates joined them and obstructed the Police from taking them into Police van. It was at that time, the crowd became restive and started shouting at the Police using filthy language, a chappal was thrown at the Police, apart from throwing stones. The Police used mild force to chase away the Advocates and to guard them from pelting stones. In the meanwhile, the Advocates started gathering near the Family Court, Small Causes Court, link bridge started pelting stones randomly. At this point of time, one of the Judge of the High Court who attempted to intervene to pacify the mob got injured and taken to Hospital. The Police beefed up the Police strength and intensified the use of force. Thereafter on the instructions

of the Commissioner of Police, the Police force near the B4 High Court Police Station withdrawn to B2 Esplanade <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch Police Station. Taking advantage of the withdrawal, B4 High Court Police Station was set on fire. The steps taken to put down the fire and bring the situation under control all failed, the fire tender was attacked and not allowed to douse the fire, the mob ensured that the fire got engulfed and the entire Police Station burnt down. The Police fired tear gas, followed by lathi charge, the Armed Reserve Police, Riot Police entered the High Court campus, lathi charged whoever came across including the Advocates who were inside the Association room or inside the Subordinate Judges' Chambers, all were given lathi blow including the staff and litigants. Thus the situation became combative and explosive.

16.The Police operation on 19.02.2009 in the High Court campus resulted in injuries to a High Court Judge, Subordinate Judges, Advocates, Court Staff, Media persons, public and others. The injured were taken to various Hospitals for treatment. The Additional Director General of Police (Law and Order), Additional Director General of Police (Intelligence), the Principal Secretary (Home), the Public Secretary and Chief Secretary all called to the Chambers of the Hon'ble Acting Chief Justice around 18.40 hours and the Full Bench passed orders restraining the Police not to pick up any Advocate in <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch connection with the cases registered and to release the persons, if taken in custody, ensure proper medical treatment is provided and compensation to be paid to the damaged vehicles. For this incident, a case in Crime No.,15 of 2009 under Sections 147, 353, 332, 450, 436 and 307 IPC r/w. Section 3(1) of TNPPDL Act registered at B4 High Court Police Station on 19.02.2009 at 17.20 hours. On 20.02.2009 again some agitated Advocates set fire to the remaining materials within the Police Station and a case in Crime No.16 of 2009 under Sections 147, 436, 355 IPC r/w. Section 3(1) of TNPPDL Act registered at B4 High Court Police Station. The Bolero jeep of the Divisional Fire Officer was set on fire on that day and a case in Crime No.113 of 2009 under Sections 143, 148, 341, 336, 332, 324, 285, 353, 506(i) IPC r/w. Section 3(1) of TNPPDL Act registered at B2 Esplanade Police Station. The Cameraman of a private TV channel who was covering the incident was assaulted and his camera snatched. In this connection, a case in Crime No.17 of 2009 registered for the offence under Sections 143, 147, 188, 341, 323 and 394 IPC at B4 High Court Police Station and there was uneasy calm.

17.The narrative of the above cases is only to understand the trajectory of the events took place from January 2009. The restriction and frisking of <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch Advocates entering the Court campus met with resistance fueled with protest showing solidarity to Tamil Elam cause, all compounded to the acrimonious situation. From the above narrative, it is clear that after the incident on 17.02.2009 the Hon'ble Acting Chief Justice called the Commissioner of Police, gave instructions to bring the situation under control and to ensure that no untoward incident happens on 19.02.2009, Dr.Subramaniam Swamy attended the Court on 19.02.2009 and left the Court at 11.30 hours, there was an uneasy calm, waiting to explode. The arrest of one Advocate on 18.02.2009 triggered the issue and thereafter, a group of Advocates went to the Police Station in the guise of surrender, thereafter some of Advocates were taken forcibly to the van, which further added fuel to the fire and the situation exploded, use of force, raining of bricks and stones got intensified, the Quick Action

Force, Rapid Action Force, Armed Reserve Force and the Police Personnel sourced from other Stations all got into action. It is seen the Police mobilized in strength well in advance, anticipating trouble some of the Police Personnel injured and the Police retorted by pelting stones on the Advocates and thereafter, Advocates chased away using force. This continued back and forth on three or four occasions. The gathering of Advocates declared as unlawful assembly, tear gas fired, proved ineffective and thereafter, lathi charge ordered. The Armed Police <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch Personnel attacked everyone coming on their sight, not differentiating anyone be it Advocate, litigant, public, Judge, Court staff and others. Finally, B4 High Court Police Station was set fire. On the intervention of Judges, injured were rushed to the Hospitals, took treatment in various Hospitals and the Doctors confirmed that there was stream of injured Advocates admitted in the Hospital for treatment. Some of the Police Personnel severely injured. In Suo motu W.P.(PIL).No.3335 of 2009 directions given, One Man Committee formed, it was confirmed that four Senior Police Officers in the IPS cadre present in the scene of occurrence and not taken any effective steps to restrain the excess use of Police force. This Court directed CBI to proceed with the investigation in RC 1(S)/2009/SCB/CHN registered against the Advocates and RC 2(S)/2009 registered against the Police Personnel.

18.The submission of Police Personnel is that they are in the lower rank in the Police formation, directed to be present in B2 Esplanade Police Station, thereafter the Commanding Officers instructed them to report near B4 High Court Police Station where they were stationed and at that time, pelting of stones by the Advocates started, in which some of the Police Personnel got injured. Since they were in the forefront they suffered injuries, abuse and <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch assault. On the orders of the higher Officials, lathi charged on the unruly mob. On the directions of this Court case in RC 2(S)/2009 registered and five charge sheets filed against the petitioners who are in the lowest rank in the Police formation and the service motto in the Police Department is to obey the orders, petitioners obeyed the orders of the superiors to disburse the unruly mob. It is not the case that there was pick and choose assault on a particular person or particular group. This confirms that the petitioners acted as per the directions of the superiors and they had no personal animosity against anyone. Hence for obeying the orders of the superiors the petitioners now facing prosecution. Due to the pendency of the prosecution, they are black marked and their career and service prospects, moving forward all affected. In fact one of the Police Personnel against whom charge sheet filed died in harness and his terminal benefits are put on hold.

19.The contention of the Police is that the situation needed use of force otherwise possibility of spilling over of violence to other places and further damage was imminent which was the decision taken by the Commanding Officer. The contention of the Advocates is that prior mobilizing of such huge force well in advance will prove attack on Advocates a pre-planned one and the <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch force was disproportionately excessive. Whatever may be justification by both Police and Advocates for their actions, a gory incident happened. Blaming game is over, long time passed by, the incident of 19.02.2009 is now in oblivion.

20.The Police are there to enforce law and order, to maintain peace, provide security and confidence to all citizens. Their nature of job is 24 hours, 365 days and very strenuous and mostly over stretched. Wearing the Police Uniform gives a distinct identity in the Society, it should also carry responsibility with service to the Society/common man and not to act as human machine disregarding the pride and life of others. Excessive force can never be justified or approved.

21.It is seen in this case the identification of the persons who are facing prosecution are primarily by photographs published in media, by some Advocates and Police Personnel which is only subjective. Further there is no reason or justification how they put a name to the face, the photographs are blurred and the latti wielding Police all wearing helmet with visor. Added to it, no identification parade conducted in this case. There is no certificate under <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch Information Technology Act, hence the photos and videos cannot be taken as primary evidence. Further in this case neither the prosecution nor the affected persons are interested in continuing with the case.

22.There is a thin line dividing, showing of protest for the incident on 19.02.2009, use of force in excessive, accelerated violence. In this case, thin line vanished on 19.02.2009 and hence, violence took prominence. This excessiveness might be by few, but it had affected the entire legal fraternity. The Police and the Advocates by Profession have some natural friction but this might not lead to a clash. Hence the clash erupted on 19.02.2009 cannot be justified. Further in this case, FIR registered in the year 2009, charge sheet filed in the year 2010, the case taken on file in the year 2025 and the trial is yet to progress. Thus, there is inordinate delay. The Apex Court time and again held that right to speedy trial in all criminal prosecution is an inalienable right under Article 21 of the Constitution and quashed the proceedings.

23.It would be apposite to extract paragraph No.603 as observed by the Full Bench of this Court in its order dated 29.10.2009 in W.P.No.3335 of 2009 etc. batch, which is as follows:

<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch “603.We have dealt with the issues, keeping in view the public interest, interest of the Police, interest of the lawyers and above all, interest of the Institution. Though, we have found fault with some of the officers, it should not be taken to mean that the whole Police Force is at fault. While we have found fault with certain Officers, in the same breath, we have also found fault with the lawyers for their continued boycotts and how it caused inconvenience to the public at large. We wish that Police and lawyers would bury their differences and rift in the interest of the public at large and in the interest of the Institution. Both the lawyers and Police, the two wings of the Institution should always work together for the administration of justice. Functioning of Courts and carrying on business of administration of justice depends upon the harmonious relation between the Police and lawyers. We wish that better counsel will prevail upon the Police and lawyers. We hope that Police and lawyers work hand in hand and promote better relationships. We also feel that it may be appropriate for the Police and lawyers to constitute their respective Committees both at State level/District level to resolve the differences in

an amicable manner.”

24.Now it is the time after a decade and half both of them buried their hatchet and moving forward. In such circumstances, the continuation of the <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch above case would be nothing but abuse of process of law an exercise in futility. Kindling the acrimonious incident again, will do no good for both. Added to it considering the totality of the case based on the statement of witnesses and materials collected, it is suffice to say that it leads to a path of nowhere. In the interest of justice, this Court is inclined to quash the proceedings pending against the petitioners.

25.In the result, the Criminal Original Petitions stand allowed and the proceedings in C.C.No.622 of 2025, C.C.No.623 of 2025, C.C.No.624 of 2025, C.C.No.625 of 2025 and C.C.No.626 of 2025 are quashed. The petitioners are acquitted of all charges. Consequently, connected miscellaneous petitions are closed.

26.This Court appreciates Advocate Ms.J.Madhumitha for the research, drafting and presenting the Quash Applications, further she effectively assisted the learned Senior Counsel in all cases. This Court records and appreciates both the Senior Counsel Mr.T.Gowthaman and Advocate Ms.J.Madhumitha for their pro bono work.

<https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm) Crl.O.P.Nos.9679 of 2025 batch 27.11.2025 Speaking order/Non-speaking order Index: Yes/No cse To

1.The Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2.The Deputy Superintendent of Police, Central Bureau Investigation, Special Crime Branch, Rajaji Bhavan, Besant Nagar, Chennai-600090.

3.The Special Public Prosecutor for CBI Cases, Madras High Court.

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cse Crl.O.P.Nos.9679, 9652, 9651 & 9646 of 2025 27.11.2025 <https://www.mhc.tn.gov.in/judis> (Uploaded on: 27/11/2025 04:01:31 pm)