

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 27.03.2025

PRONOUNCED ON : 15.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.8329 & 7856 of 2025

Crl.OP.No.8329 of 2025

J.Vijayakumar

... Petitioner/A4

Vs.

State, Rep. by its Inspector of Police
T15, Kannagi Nagar Police Station,
Pallikaranai,
Chennai.

(Crime No.105 of 2025)

... Respondent/complainant

Crl.OP.No.7856 of 2025

1. Sushil Lalwani

2. Aarthi Lalwani

... Petitioners/Accused

Vs.

State, Rep. by Inspector of Police
Kannagi Nagar Police Station,
Pallikaranai, Chennai.

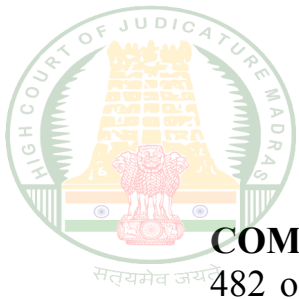
(Crime No.105 of 2025)

... Respondent/complainant

Marg Limited,
Rep. by its Representative,
R.B.Srinivasan

... Intervenor/Defacto complainant

[Defacto complainant permitted to intervene, as per the orders of this Court [SMJ] dated 15.04.2025 in Crl.MP No.5960 of 2025]



COMMON PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, to enlarge the petitioners/accused on bail in the event of arrest Crime No.105 of 2025, on the file of the respondent Police.

For Petitioner : Mr.S.R.Rajagopal, Sr. Counsel
in Crl.OP No.3488 of 2025 for Mr.P.Nagarajan

For 1st petitioner
in Crl.OP.No.7856 of 2025 : Mr.A.Ramesh, Sr. Counsel
for Mr.Praveen Purohit

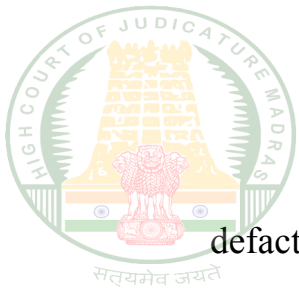
For 2nd petitioner
in Crl.OP.No.7856 of 2025 : Mr.S.Prabakaran, Sr. Counsel
for Mr.Krishnakumar

For Respondents : Mr.S.Santhosh
in both cases Govt. Advocate (Crl.Side)
For Intervenor in
in Crl.OP.No.7856 of 2025 : Mr.K.Jagannathan

COMMON ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 329(4), 115(2), 324(4), 324(5), 324(6), 351(3), 61(2) of BNS, 2023 and Section 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.105 of 2025 on the file of the respondent police, seek anticipatory bail.

2. (i) The case of the prosecution is that there is a civil dispute between the petitioners in Crl.OP.No.7856 of 2025/A1 & A2 and the



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defacto complainant with regard to a property measuring a total extent of 65836 sq.ft. in S.No.137-B/3A2 (As per Patta 173-B/3A2A) at Karapakkam Village, OMR Road; that claiming that there is an injunction order passed by the District Munsif Court, Sholinganallur, a group of lawyers barged into the premises along with certain others, beat up the employees of the defacto complainant, committed mischief and damaged the property, including the CCTV cameras and the memory card and thus committed the aforesaid offences.

(ii) It is the further case of the prosecution that the petitioners in Crl.OP.No.7856 of 2025 had engaged the lawyers and others to forcibly enter into the premises of the defacto complainant and to vacate them on the strength of the injunction order; that the petitioner in Crl.OP.No.8329 of 2025, a lawyer by profession was given authority by the petitioners in Crl.OP.No.7856 of 2025, to present the injunction order at any time in order to protect the interest of the companies.

3. The sum and substance of the submissions made by the learned Senior counsels Mr.S.Prabhakaran and Mr.A.Ramesh, appearing for the petitioners in Crl.OP.No.7856 of 2025 and Mr.S.R.Rajagopal, learned



senior counsel appearing for the petitioner in Crl.OP.No.8329 of 2025,

are as follows:

(a) that the disputed property originally belonged to the defacto complainant, which was mortgaged with the Standard Chartered Bank; that the petitioners agreed to purchase the said property for a total sale consideration of 51,92,56,375/-; that the defacto complainant on receipt of sale consideration had executed eight sale deeds in favour of eight companies, which were special purpose vehicle companies of the petitioners; that initially, the documents were retained by the Registration Department, since there was a difference in the stamp duty; that thereafter, the petitioners did not succeed in the writ proceedings and hence paid the demanded stamp duty and obtained the original documents; and that they subsequently mortgaged the property by deposit of title deeds in favour of M/s.Hinduja Finance Limited.

(b) that the defacto complainant claimed that the total sale consideration fixed was Rs.103 Crores and since the petitioners did not pay the balance sale consideration of Rs.53 Crores, filed a suit in O.S.No.407 of 2024 before the District Court, Chengalpattu; that the Court initially passed an order of *status quo*, which was subsequently



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vacated; and that the defacto complainant also lodged a criminal complaint for cheating and this Court had granted anticipatory bail in Crl.OP.No.20063 of 2024 by order dated 11.09.2024.

(c) that the petitioners filed a suit before the learned District Munsif, Sholinganallur in OS No.40 of 2025 and sought for ad-interim injunction restraining the defacto complainant from interfering in their possession in I.A.No.2 of 2025; that the District Munsif had passed an order of interim injunction; that since the defacto complainant even thereafter interfered in the possession of the petitioners, a complaint was lodged on the file of the respondent police; and that the respondent however, did not register the case, but instead registered a complaint against the petitioners in Crime number 105 of 2025; and thus, the instant petitions have been filed seeking anticipatory bail in the said crime number.

4. The learned senior counsels therefore submitted that the lawyers were present only to explain the contents of the order, and the allegations that they forcibly entered into the premises and damaged the articles and caused injuries to the employers of the defacto complainant are false; that



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the complaint is vague and bereft of details and considering the aforesaid facts, in any case custodial interrogation is not required and hence, prayed for anticipatory bail.

5.(i) The learned counsel for the defacto complainant however, vehemently opposed the grant of anticipatory bail stating that the petitioners had not only committed a serious offence by attempting to forcibly evict the respondent, but they have also violated the conditions imposed by this Court in Crl.OP.No.20063 of 2024 dated 11.09.2024; that the videograph and photographs would show how the lawyers sent by the petitioners had pushed the security guard and barged into the premises; that certain other violent activities of the lawyers could not be produced as evidence, since they had damaged the CCTV cameras and also taken the memory card to erase the evidence against them; that several of their employees were injured; and their movable properties were damaged.

(ii) The learned counsel for the defacto complainant also submitted that the petitioners have several cases of similar nature registered against



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them; and that they are habitual land grabbers and produced the copies of the complaint pending against the petitioners. He also produced a copy of the letter written by the 2nd petitioner in Crl.OP.No.7856 of 2025 to the petitioner in Crl.OP.No.8329 of 2025, a lawyer authorising him to present the injunction order at any time at any place in order to protect the interest of the companies and submitted that this letter is enough to show that the lawyers were engaged to forcibly take possession from the defacto complainant and considering the seriousness of the offences, opposed the grant of anticipatory bail.

(iii) The learned counsel also submitted that there was an agreement between the defacto complainant and the petitioners; that the total consideration would be Rs.103 Crores; and that the petitioners are yet to pay the balance sale consideration of Rs.53 Crores.

6.(i) The learned Government Advocate (Crl.Side) reiterated the prosecution case and also confirmed that though the petitioners have an injunction order, their act of engaging lawyers to take possession in an illegal manner has to be condemned; that several lawyers have WhatsApp groups calling upon the lawyers to engage in such activities and interfere



in property disputes and other money disputes.

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(ii) The learned Government Advocate (Crl.Side) further submitted that the legal profession has been used as a cloak to indulge in such criminal activities and unless it is curbed and strictly dealt with, such activities would continue and would disturb the law and order and hence, vehemently opposed the grant of anticipatory bail to the petitioners.

7. This Court has carefully considered the rival submissions and perused the available records.

8. According to the petitioners, they had paid the entire sale consideration for the disputed property to the defacto complainant and the possession was handed over to them as early as in the year 2023. It is not in dispute that the 2nd respondent had earlier filed a suit and obtained an order of *status quo* which was vacated subsequently on 04.10.2024 in OS No.997 of 2024, on the file of the District Munsif cum Judicial Magistrate, Sholinganallur.

9. It is also not in dispute that the petitioners had filed a suit for



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permanent injunction in O.S.No.40 of 2025 and an order of interim injunction was passed by the District Munsif cum Judicial Magistrate, Sholinganallur on 05.03.2025, in I.A.No.2 of 2025 in O.S.No.40 of 2025.

10. It is the case of the 2nd respondent in Crl.OP.No.7856 of 2025/defacto complainant that they have now filed the petition to vacate the said interim order; that the sale consideration agreed was Rs.103 Crores and the petitioners are due to pay the balance sale consideration of Rs.53 Crores; and that the petitioner by adopting a similar modus operandi, has cheated several others in respect of other properties as well.

11. This Court is not called upon to decide the dispute between the parties as regards the ownership or possession of the disputed property. The question is whether the petitioners had forcibly entered into the property after obtaining an order of injunction in the civil Court. The petitioners have admitted the fact that lawyers did go to the disputed property to explain the order passed by the civil Court, though they deny the fact of trespassing and causing damage to the property and injury to the employees. The photographs produced on the side of the defacto



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complainant and the video footage suggest that a group of persons wearing white shirt and black trousers had barged into the property by pushing the security persons in an aggressive manner and shouting at the persons in the premises. The petitioners claim that the lawyers belonging to the defacto complainant also were present at the disputed property to defend their clients.

12. The sequence of events narrated by the parties reveals a painful situation. The lawyers have acted as henchmen for the litigants. They are expected to use the brain and not the brawn. The instant case confirms that some of the lawyers, unfortunately, have forgotten / or not been told that they belong to a noble profession. It is also informed by the learned Government Advocate (Crl.Side) that this has been done in an organized manner, where lawyers have WhatsApp groups and junior lawyers are engaged to specifically indulge in such activities and get away under the cloak of this profession.

13. Litigants indulging in such activities is not new and the Court has to deal with such activities and resolve the disputes. However, lawyers identifying themselves with the litigants and indulging in such



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activities cannot be pardoned. They are expected to behave in a dignified manner. The Bar Council of India (BCI) has framed rules in this regard. As a reminder to the lawyers, this Court extracts the relevant rules here. Rule 4 reads as follows:

4. Refuse to act in an illegal manner towards the opposition

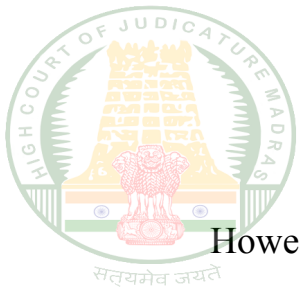
An advocate should refuse to act in an illegal or improper manner towards the opposing counsel or the opposing parties. He shall also use his best efforts to restrain and prevent his client from acting in any illegal, improper manner or use unfair practices in any matter towards the judiciary, opposing counsel or the opposing parties.

14. Further the rules relating to Advocate's duty to opponents, reads as follows:

1. Not to negotiate directly with opposing party

An advocate shall not in any way communicate or negotiate or call for settlement upon the subject matter of controversy with any party represented by an advocate except through the advocate representing the parties.

15. In any case, it is not a part of lawyers' duty to enter into the premises even under the guise of explaining the order. In this case, according to the prosecution, unfortunately, the lawyers have acted like henchmen. Further, the conduct of the petitioners in engaging lawyers to do such activities, if found to be true in the trial, is highly condemnable.



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However, in view of the civil litigations pending between the parties, this

Court does not wish to further dilate on this aspect. Hence, there cannot be any doubt that the prosecution against the petitioners is justified. This Court hastens to add that the above observations are made only for the purpose of deciding these bail petitions. The question before this Court is not whether an offence had been committed, but whether the actions or the offences committed by the petitioners, as alleged by the prosecution, warrant arrest and custodial interrogation. It is well settled that the arrest is not required in all cases. Arrest and detention during investigation is not punishment. The nature of the allegations in this case suggests that custodial interrogation is not required. It is for the prosecution to establish its case before the trial Court.

16. At the same time, considering the seriousness of the allegations, this Court is of the view that the petitioners in Crl.OP.No.7856 of 2025 can be directed to pay a sum of Rs.3,00,000/- [Rupees Three Lakhs only] to the Tamil Nadu State Legal Services Authority, besides depositing a sum of Rs.10,00,000/- [Rupees Ten Lakhs only] to the credit of Cr.No.105 of 2025, which will be kept in deposit until the conclusion of the trial. The above payment and deposit shall be



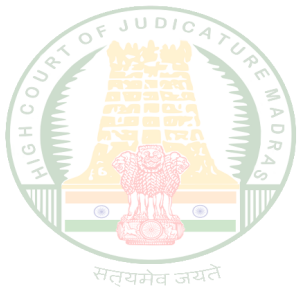
made without prejudice to their right of defence.

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17. In so far as the lawyers are concerned, it is now reported that most of the lawyers who were involved in the alleged occurrence were arrested and released on bail and that the petitioner in Crl.OP.No. 8329 of 2025, is the main person behind the entire occurrence. The lawyers have not only violated the rules of the BCI and have not adhered to the professional etiquette but have also brought disrepute to the profession as such. Therefore, this Court, considering the facts is inclined to issue certain directions in addition to the usual conditions, which are as follows:

(a). The respondent police shall give the list of lawyers who were involved in the alleged offence to the Bar Council of Tamil Nadu, forthwith. The respondent shall also give the details of the role played by each of the lawyers in the alleged occurrence along with the list.

(b). The Bar Council of Tamil Nadu shall conduct an enquiry in the manner known to law and report before this Court, the action taken.

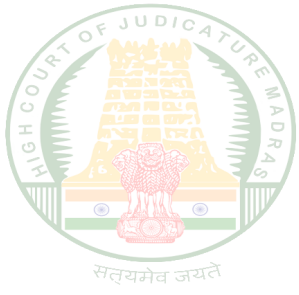


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(c). In addition to the enquiry, the Bar Council of Tamil Nadu may also consider directing the juniors who have no bad antecedents and who were engaged by the so called administrators of the WhatsApp groups to appear before the disciplinary committee of the Bar Council of Tamil Nadu once a month for a period of 12 months and the lawyers so directed shall file a monthly report giving details of the professional work done by them for the said month.

(d) The disciplinary committee may assist those lawyers in case they wish to join a senior lawyer's office. As and when there is a request by the Bar Council of Tamil Nadu, to any designated senior lawyer or any other lawyer for training these young lawyers, this Court requests those senior lawyers and other lawyers to accommodate them in their office and impart training for such time as may be required.

(e) The above directions are made keeping in mind the fact that the junior lawyers who have no guidance and are in financial need are indulging in such activities not realising the fact that such activities, would not only affect their careers but, as stated earlier, bring disrepute to the noble profession.



WEB COPY (f). This Court also directs the Director General of Police, Chennai, to issue suitable instructions to the Station House Officers to take stern action against not only the parties concerned but also the lawyers who indulge in such activities in future. The Bar Council of Tamil Nadu and the lawyers' Associations shall render cooperation to the police officials in dealing with such activities with an iron hand.

18. In view of the above, these petitions stand allowed on condition that

(i) the petitioners in Crl.OP.No.7856 of 2025 shall pay a sum of **Rs.3,00,000/- [Rupees Three Lakhs Only]** to **Tamil Nadu State Legal Services Authority, High Court, Chennai** and shall also deposit a sum of **Rs.10,00,000/- [Rupees Ten Lakhs Only]** to the credit of **Cr.No.105 of 2025**, without prejudice to their rights and contentions before the trial Court;

(ii) On such deposit being made, the trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized



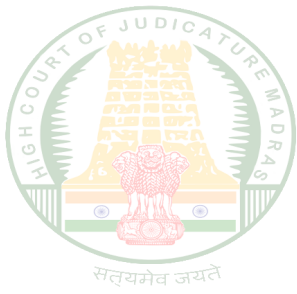
Banks, renewable thereafter periodically, until the conclusion of the trial;

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(iii) thereafter, on production of proof for payment and deposit of the aforesaid amounts, the petitioners in Crl.OP.No.7856 of 2025 are ordered to be released on bail in the event of arrest or on their appearance, on execution of a bond for a sum of **Rs.1,00,000/- [Rupees One Lakh only] each with** two sureties each for a like sum, within a period of fifteen days from the date of receipt of this order to the satisfaction of **the learned District Munsif-cum-Judicial Magistrate, Shollinganallur;** and

(iv) the **petitioner in Crl.OP.No.8329 of 2025** shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum within a period of two weeks from the date of receipt of a copy of this order to the satisfaction of **the learned District Munsif-cum-Judicial Magistrate, Shollinganallur** and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioners shall appear daily at 10.30 a.m., before the respondent police for a period of two weeks and thereafter as and when required for the interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

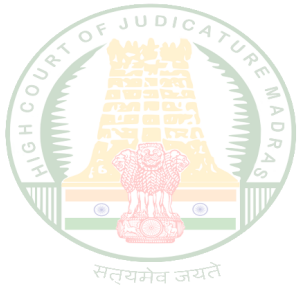
[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

15.04.2025

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Crl.O.P.Nos.8329 & 7856 of 2025

SUNDER MOHAN, J.

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To

1.The District Munsif-cum-Judicial Magistrate,
Shollinganallur.

2. The Inspector of Police
T15, Kannagi Nagar Police Station,
Pallikaranai, Chennai.

3. The Bar Council of Tamil Nadu, Chennai.

4. The Director General of Police, Chennai.

5. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Chennai.

6.The Public Prosecutor,
High Court of Madras.

Pre-delivery common order in
Crl.O.P.Nos.8329 & 7856 of 2025

15.04.2025