



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 16978 of 2026

and

CRL.MP.No.11254 of 2026

Maria Julianna J
W/o Mohammed Ikreem U,
No.120, D.No.5, First Floor,
Ramakrishna Nagar, Kamarajar Salai,
Valasaravakkam, Chennai.

..Petitioner(s)

Vs

1. The State Rep By, The Inspector of Police
D5 Marina Police Station,
Mylapore, Chennai.
Crime No.123 of 2026
2. K.Saravanan
S/o Kaveri Labourer,
No.1-2/1, Vepery High Road,
D.No.31 to 36, MVC Hostel Campus,
Purasaivakkam Taluk, Chennai.

..Respondent(s)

Prayer: This Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to call for the records and quash the
FIR in Crime No.0123 of 2026 for offences under Sections 223(a) and 292
BNS, 2023 and thus render justice.

For Petitioner(s):

Mr.C.Arun Kumar

For Respondent(s):

Mr.R.Rajasekaran

Government Advocate (Criminal Side) for R1



ORDER

WEB COPY

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No. 0123 of 2026.

2. The crux of the allegations contained in the First Information Report is that, without obtaining permission, the petitioner was holding a placard seeking votes for a particular political party. The placard also carried a statement to the effect that women were not protected from the hands of those persons. According to the official who lodged the complaint, no permission had been obtained to carry out such canvassing at the particular place, namely, Beach Road. Therefore, it is alleged that the petitioner violated the directions issued by the Returning Officer during the course of the election, thereby attracting the offence under Section 223(a) of BNS. The FIR has also been registered for the offence under Section 292 of BNS.

3. The learned counsel for the petitioner submitted that, insofar as the offence under Section 223(a) is concerned, in view of the bar contained under Section 215 of BNSS, the concerned official can only file a private complaint and no FIR can be registered by the respondent police. The learned counsel further submitted that the law on this issue has already been settled by this Court, with reference to the corresponding offence under Section 188 IPC, in



the judgment rendered in *Jeevanandham & Others vs. State rep. by Inspector of Police & another* reported in *2018 (2) LW Crl.606*. It was also contended that the other offence mentioned in the FIR, namely section 292 of the BNS, is a non-cognizable offence.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the act attributed to the petitioner is serious in nature and, considering the gravity of the allegations, the FIR came to be registered.

5. I have considered the rival submissions made on either side and perused the materials available on record. In view of the specific bar against the registration of a First Information Report by the police for an offence under Section 223(a) of the BNS, and since the other offence under Section 292 of the BNS is non-cognizable in nature, the registration of the First Information Report cannot be sustained.

6. Accordingly, this Criminal Original Petition in Crl.O.P.No.16978 of 2026 shall stand allowed and the FIR in Crime No.123 of 2026 is hereby quashed. Consequently, connected miscellaneous petition is closed.

03-07-2026

Neutral Citation: Yes/No
av



WEB COPY

To

1. The Inspector of Police
D5 Marina Police Station,
Mylapore, Chennai.
2. The Public Prosecutor,
Madras High Court.



WEB COPY

CRL OP No. 16978 of 2



D.BHARATHA CHAKRAVARTHY, J.

av

**CRL OP No. 16978 of 2026
and
CRL.MP.No.11254 of 2026**

03-07-2026