



CRL.OP.No.18884 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.18884 of 2026
and CRL.MP.Nos.12563 & 12566 of 2026

Rajarathinam

..Petitioner(s)

Vs.

1. State rep. by,
The Inspector of Police,
Valavanur Police Station,
Villupuram District.
Crime No.346 of 2017
2. R.Suresh Kumar
Village Administrative Officer,
Salaiyamapalaiyam,
Villupuram District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records in connection with C.C.No.1247 of 2025 on the file of the Judicial Magistrate Court No.II, Villupuram District and quash the same.

For Petitioner(s):

Mr.S.Saravana Kumar

For Respondent(s):

Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl.Side)



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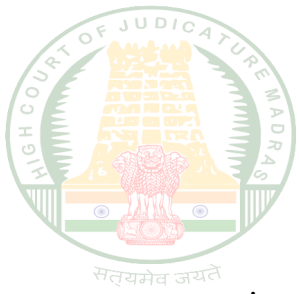
ORDER

The prayer in the criminal original petition is to quash the final report in C.C.No.1247 of 2025, pending on the file of the Judicial Magistrate Court No.II, Villupuram District, registered for the alleged offences under Sections 147, 447, 153A(1)(a) & 153A(1)(b) of IPC.

2. The prayer sought in this petition is innocuous in nature, and as such, this petition is being disposed of at the admission stage itself, without ordering notice to the second respondent.

3. The gist of the allegations leading to the instant case is that the petitioner along with others encroached upon Government land and attempted to construct a 5x5 feet cement wall, thereby attempting to incite communal disharmony on the basis of caste and disrupting traffic.

4. The learned counsel appearing for the petitioner submitted that the petitioner along with others was merely trying to put up a small structure for the purpose of drawing a portrait of Dr.B.R.Ambedkar. Since the structure was being constructed at the edge of the road, the case was



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registered, however, there was no communal clash or any backlash on account of the incident. He further submitted that no sanction whatsoever was obtained to file a final report under section 153A of the Indian Penal Code. In the absence of a valid sanction for the offence under Section 153A of IPC, it cannot be said that the petitioner entered into the property in violation of any lawful orders and therefore, the other offences are also not made out.

5. *Per contra*, the learned Government Advocate (Criminal Side) appearing for the first respondent police submitted that since the petitioner unauthorizedly attempted to construct a wall on Government property without any right or permission, the case was lawfully registered.

6. Heard the rival submissions made on either side and perused the materials available on record.

7. It is now well settled that no prosecution can lie in respect of an offence under Section 153A of IPC without obtaining prior sanction from the appropriate Government. It has also been held that the quashing of



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proceedings on this ground will not preclude the respondent police from initiating fresh proceedings after obtaining the requisite sanction.

8. With reference to the other offences, considering the overall facts and circumstances of the case, specifically that the petitioner along with others merely tried to construct a 5x5 feet wall to draw a portrait of Dr.B.R.Ambedkar, though without permission, this Court is of the view that permitting the prosecution to continue would be oppressive to the accused, especially since the occurrence took place way back in the year 2017.

9. For the foregoing reasons, this criminal original petition stands allowed and the final report and all further proceedings in C.C.No.1247 of 2025, pending on the file of the Judicial Magistrate Court No.II, Villupuram District, is hereby quashed. Connected miscellaneous petitions are closed.

16-07-2026

Neutral Citation: No

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To

1.The Judicial Magistrate No.II,
Villupuram District.

2.The Inspector of Police,
Valavanur Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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