



Crl.O.P.No.3269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3269 of 2025
and Crl.M.P.No.2199 of 2025

1. Gopinath Rajamanickam
2. Devaraj Mohan

... Petitioners

Vs

1. The State Represented By
The Special Sub-Inspector of Police,
Vennandur, Rasipuram Taluk,
Namakkal District.
(Ref.Crime No.264/2024)

2. Rajesh

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C/ 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the case in Crime No.264 of 2024 on the file of the respondent herein and quash the same as illegal and without jurisdiction.

For Petitioners : Mr.I.Abdul Basith
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.side)



Crl.O.P.No.3269 of 2025

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.264 of 2024, on the file of the first respondent.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the first respondent and perused the materials placed on record.

3. The second respondent lodged a complaint alleging that the petitioner caused pollution to him by running a Yarn company. The offences under Sections 280 and 292 of BNS are non-cognizable offences. Further, the first petitioner is in abroad and also running a yarn doubling company along with the second petitioner at Attaiyampatty Main Road, Vennandur Municipality, Rasipuram Taluk, Namakkal District. The second respondent is none other than the neighbour of the petitioners' company. They are in the Industrial Sector of Cotton and Wollen hosiers making (Dry process only without dying/washing operation) and the same is categorized as “White Category Industry”. Therefore, it is non-pollutant in nature and dispensed with by the Tamil Nadu Pollution Control Board.



Crl.O.P.No.3269 of 2025

4. The registration of FIR for the non-cognizable offences is a clear violation of provisions under Section 174(2) of BNSS, 2024. Accordingly, no Police Officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial. Therefore, the first respondent has no jurisdiction to register the FIR for non-cognizable offence without obtaining prior permission from the concerned jurisdictional Court as mandated under Section 174(2) of BNSS, 2024.

5. In view of the above, the FIR in Crime No.264 of 2024 on the file of the respondent cannot be sustained and is liable to be quashed. Accordingly, the FIR in Crime No.264 of 2024 on the file of the respondent is hereby quashed.

6. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected Miscellaneous petition is closed.

07.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.3269 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Special Sub-Inspector of Police,
Vennandur, Rasipuram Taluk,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3269 of 2025

07.02.2025