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Crl.O.P.No.9182 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No. 9182 of 2025

and

Crl.M.P.No.6085 of 2025

R.Ismail

.... Petitioner

Vs

1.State Rep. By
The Inspector of Police
Muthialpet Police Station,
Flower Bazaar, Chennai.
Crime No.23 of 2025

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the Crime No.23 of 2025 on the file of the Inspector of Police, Muthialpet Police Station, Chennai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.A.K.M.Samsunihar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER



Crl.O.P.No.9182 of 2025

WEB COPY

This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.23 of 2025 on the file of the respondent police for the offences under Sections 190, 189(5) and 223 of the Bharatiya Nyaya Sanhita, 2023 and Section 41(6)(a) of the Tamil Nadu City Police Act, 1888.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the prosecution is that on 09.02.2025 at about 11.50 a.m., the petitioners and others unlawfully gathered in front of the petitioner's office premises without any permission and staged a protest against the ruling party, further attempting to enter the police station. The said occurrence took place on 31.01.2025. Whereas the complaint was lodged on 09.02.2025 without any explanation for the delay.

4. That apart, even according to the prosecution, the protest was held against political posters affixed at Sri Prassan Venkatesa Perumal temple situated at Muthiyalpet, Chennai. Hence, the allegations



Crl.O.P.No.9182 of 2025

WEB COPY

are vague and general in nature and do not disclose any specific overt act attributable to the petitioners that would prima facie attract the alleged offence.

5. In view of the above, this Court is of the opinion that continuation of the investigation pursuant to the FIR in Crime No.23 of 2025 would amount to an abuse of process of law. Accordingly, the FIR in Crime No.23 of 2025 on the file of the respondent Police is hereby quashed.

5. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

27.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

G.K.ILANTHIRAIYAN, J.

Lpp

To

Page 3 of 4



Crl.O.P.No.9182 of 2025

1.The Inspector of Police
Muthialpet Police Station,
Flower Bazaar, Chennai.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.9182 of 2025

27.03.2025