



Crl.O.P.No. 14065 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2025

CORAM:

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

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P.Veera Viswamithran

... Petitioner

Vs.

State rep. by the Inspector of Police,
Muthandikuppam Police Station,
Crime No.270 of 2023

..Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to quash the FIR registered in Crime No.270 of 2023 dated 01.11.2023 on the file of the Muthandikuppam Police Station, Cuddalore District, for an alleged offence under Section 147, 148, 151 of IPC r/w Section 7(1)(A) of Criminal Law Amendment Act, 2005.

For Petitioner : Mr.G.Rajagopal,
Senior Counsel for
Mr.B.Hari Krishnan.

For Respondent : Mr.A.Gopinath,



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Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.270 of 2023 on the file of the respondent, registered for the offences under Sections 147, 148, 151 of IPC and 7(1)(a) of Criminal Law Amendment Act, 2005.

2. According to the prosecution, on 01.11.2023, at about 7:30 PM, the Sub-Inspector of Police attached to Muthandikuppam Police Station was on her routine patrol duty. While passing through Marungur Main Road, she allegedly noticed the petitioner along with 26 others standing in front of the house of one Gokulakrishnan S/o Ramakrishnan, armed with lethal weapons. It is alleged that they had assembled there out of previous enmity, connected to a prior case registered in Crime No. 269 of 2023 for the purpose of rioting and creating a law and order issue. Despite being warned by the Sub-Inspector to disperse, the petitioner and others allegedly refused to comply. As a preventive measure, the Sub-Inspector summoned them all, including the petitioner, to the



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Muthandikuppam Police Station. Based on this incident, an FIR was registered in Crime No. 270 of 2023 for the offences under Sections 147, 148, 151 of IPC and 7(1)(a) of Criminal Law Amendment Act, 2005.

3. The learned counsel for the petitioner submitted that the FIR is nothing but an act of vengeance, arising out of earlier enmity between the one Ramanathan and the petitioner. It was submitted that the said Ramanathan and his family members, having lost in civil litigation which even reached this Court in the form of First Appeals, lodged a false complaint against the petitioner, resulting in the registration of Crime No.219 of 2023 for the offences under Sections 147, 148, 294(b), 447, 427, 379, 341, and 506(ii) IPC, on the file of Muthandikuppam Police Station.

4. It was further submitted that the said Ramanathan's youngest daughter, Ishwarya, is a qualified IAS officer and currently serving as the Deputy Collector in Tuticorin District, and his eldest daughter, Sushmitha, is an IPS officer undergoing training at the Police Academy in Hyderabad. According to the petitioner, both daughters, using their



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influence and official capacity, prevailed upon the Superintendent of Police, Cuddalore District, and orchestrated the registration of the present FIR as a sequel to Crime No.219 of 2023, purely as a retaliatory measure. Apart from the bare allegations, no incriminating material is stated to be present in the FIR in Crime No.270 of 2023.

5. The learned Government Advocate (Criminal Side) submitted that the investigation is at a nascent stage and the allegations in the FIR are serious in nature, involving unlawful assembly with deadly weapons. It was contended that the presence of the petitioner and others with such weapons in a public place indicates a clear threat to public peace and order, and therefore, the FIR deserves to be investigated further.

6. Heard both sides and perused the materials placed before this Court.

7. This Court has carefully considered the submissions made by both sides. A reading of the FIR in Crime No.270 of 2023 reveals that the



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allegations against the petitioner and others stem from an alleged unlawful assembly. However, the specific details as to the role of the petitioner, the nature of the alleged weapons, or any overt act committed by him are not clearly made out. The contention of the petitioner regarding the prior civil litigation and the alleged misuse of official influence by Ramanathan's daughters, both public servants, is a serious issue. *Prima facie*, the registration of multiple complaints by the same party within a short span, coupled with the petitioner's assertions, indicate that the instant FIR may have been initiated with malice or collateral purpose. In the absence of specific allegations constituting the ingredients of the offences mentioned, and taking into account the allegations of *mala fide* as well as abuse of legal process, this Court is of the view that continuation of the investigation against the petitioner would amount to abuse of process of law.

8. In view of the above, the FIR in Crime No.270 of 2023 on the file of the respondent police is hereby quashed, in so far as the petitioner is concerned. Accordingly, this Criminal Original Petition stands allowed.



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Neutral citation : Yes/No
Speaking/non-speaking order
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To

1.The Inspector of Police,
Muthandikuppam Police Station,

2. The Public Prosecutor,

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