



WEB COPY



CrI.O.P.(MD)No.11877 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.(MD)No.11877 of 2025

and

CrI.M.P.(MD).No.9097 of 2025

P.Rajmohan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.by the Inspector of Police,
Dindigul Town North Police Station,
Dindigul, Crime No.1303 of 2024.

2. T.Maharajan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the records pertaining to the case registered in the impugned First Information Report in Crime No.1303 of 2024 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)
for R1

ORDER

The Criminal Original Petition is filed seeking a direction to quash the FIR in Crime No.1303 of 2024 on the file of the first respondent-Police.



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2. The case of the prosecution is that, on 30.12.2024 at about 10.45

a.m., when the second respondent herein, who was working as a Special Sub Inspector of Police, and other Police personals of the Dindigul North Town Police Station were on their patrol duty, they observed that without obtaining any prior permission, the petitioner and others, who are belonging to AIADMK political party staged a protest and Road roko at Dindigul Municipal Office against the alleged sexual assault on a girl student of Anna University at Chennai and thus, they caused traffic snarls and disrupt the normal life. Despite several warnings, they continued with the unlawful gathering and hence, the first respondent-Police registered a case in Crime No.1303 of 2024 against the petitioner and others for the offences punishable under Sections 189(2) and 126(2) of BNS, 2023.

3. Learned counsel for the petitioner submitted that the petitioner is an office bearer of Dindigul City AIADMK wing and apart from that he is an opposition leader of elected Council of Dindigul Corporation. On 30.12.2024 at about 10.45 a.m, the petitioner and other members of the said party had gathered near Dindigul Municipal Corporation office, to raise slogans in the protest against the alleged sexual assault on a girl student of Anna University at Chennai in a peaceful manner, and after

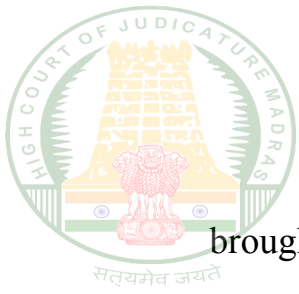


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expressing their opposition, the petitioner and others voluntarily dispersed from the said place. They had not caused any hindrance to the public or any traffic. However, the first respondent-Police had filed a false case against the petitioner. Learned counsel further submitted that the case of the prosecution does not attract the ingredients to prosecute the matter under Sections 189(2) and 126(2) of BNS, 2023 against the petitioner. *Prima facie* there is no iota of materials available against the petitioner to register the FIR for the alleged offences. Therefore, the learned counsel for the petitioner prays for quashing of the FIR in Crime No.1303 of 2024.

4. Learned Government Advocate (CrI.Side) appearing for the first respondent-Police, on instructions, submitted that investigation in Crime No.1303 of 2024 is over and charge sheet has been filed through e-filing on 18.01.2025 *vide* e-filing No. LTN-20220001307C202500042 before the learned Judicial Magistrate-II, Dindigul.

5. It is settled proposition of law that First Information Report is not an "Encyclopedia" and it need not contain all the facts and it is only an information to set the law in motion. Once, the commission of offence



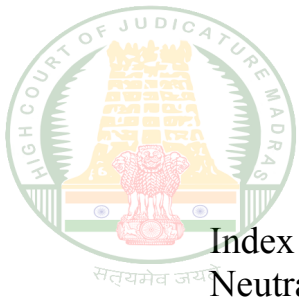
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brought to the knowledge of the Police, it is the duty of the Police to conduct fair investigation and to collect the materials disclosed by the complainant. No doubt, after investigation, at the time of filing the final report, the Police will form an opinion about the offences committed by the petitioners.

6. This Court, after perusing the complaint, F.I.R and also the statement of witnesses, is of the view that there are *prima-facie* materials to connect the petitioner in this case and also there is a specific overt act alleged against the petitioner, and therefore, whatever the grounds taken by the petitioner for quashing the FIR only, is matters for trial and all the points raised by the petitioner herein have to be agitated only before the trial Court during the trial. Hence, this Court is not inclined to entertain this petition by invoking Section 528 BNSS, 2023. However, it is open to the petitioner to raise all the above mentioned points and establish his case before the trial Court.

7. Accordingly, the Criminal Original Petition shall stand dismissed. Consequently, connected miscellaneous petition is closed.

18.07.2025



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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

1. The Inspector of Police,
Dindigul Town North Police Station,
Dindigul,
2. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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