



WEB COPY

CRL OP No. 22274 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**CRL OP No. 22274 of 2023
and CrI.MP.No.15487 of 2023**

Agilan @ Agil

Petitioner(s)

Vs

The State rep. by
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
Cr.No.300 of 2023.

Respondent(s)

PRAYER

To call for the entire records connected with the FIR in Crime No.300 of 2023 pending investigation on the file of the respondent police and quash the same.

For Petitioner(s): M/s. T. Elumalai

For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor



ORDER

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2. The case of the prosecution is that on 30.06.2023 at around 10.00 a.m., the petitioner created trouble to the public by blocking their vehicles, using filthy language and caused threaten to the people. Hence, the respondent police registered an FIR in Crime No.300 of 2023 under Section 7(1)(a) of Criminal Law Amendment Act, 2005 against the petitioner.

3. It is the contention of the learned counsel for the petitioner that 7(1)(a) of the Criminal Law Amendment Act 2005 is amended only under Section 195 a of IPC and is not a penal provision. Hence, slapping of the provision under the Criminal Law Amendment Act is misconceived and the offence alleged against the petitioner under the Criminal Law Amendment Act is not punishable. When a similar matter came before this Court, this Court quashed the FIR, vide order dated 07.08.2023 in CrI.O.P.No.17535 of 2023 by relying upon the earlier order of this Court in CrI.O.P.No.14911 of 2022, dated 01.07.2022. The relevant portion of the order dated 01.07.2022 is extracted hereunder:



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“5. As rightly pointed out by the learned counsel for the petitioner, Section 7[1][A] of Criminal Law Amendment Act is only an amendment to Section 195A of IPC and it is not a penal provision. In such view of the matter, slapping of the provision under the Criminal Law Amendment Act is misconceived and the offence alleged against the petitioner under Criminal Law Amendment Act is not punishable. Therefore, registration of the First Information Report under the above Section will not serve any purpose. Further, maximum punishment for Section 75 of the Tamil Nadu City Police Act is 6 months or fine not exceeding Rs.1000/- and the offence is a non cognizable offence and therefore, investigation cannot be proceeded without the permission of the learned Magistrate under Section 155 of Cr.P.C. Without following the above procedures, filing of the First Information Report and conducting investigation is nothing but abuse of process of law.”

4. The learned Additional Public Prosecutor submitted that though in the FIR Criminal Law amendment Act 2005 has been mentioned, but actually it is not filed under the Criminal Law Amendment Act 2005. FIR was originally filed under Criminal Law amendment Act 1932, which is a standalone act, which is noway connected with the amendment of IPC.



5. Though the contention of the learned Additional Public Prosecutor is very attractive but the fact remains that the Police invoked Criminal Law Amendment Act 2005 in the FIR. Further, the allegation in the FIR is also vague in nature. In the FIR it is stated that based on some secret information, but there is no details about the manner in which the alleged offence had taken place.

6. In such view of the matter, considering the fact that the case is of the year 2023 and no progress has been made till date, keeping the FIR pending all these years that too registered under the Criminal Law Amendment Act 2005, cannot be sustained. Accordingly, the petition is allowed and the FIR stands quashed. Consequently, connected miscellaneous petition is closed.

10-09-2025

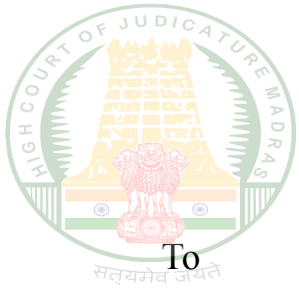
pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

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Krishnagiri Town Police Station,
Krishnagiri District.
Cr.No.300 Of 2023.



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N.SATHISH KUMAR J.

pvs

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