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CrI.O.P.No.25272 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25272 of 2025
and CrI.M.P.No.17088 of 2025

Abdul Rahman

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.

(Crime No.1812 of 2021)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C/528 of BNSS, to call for the records relating to the Crime No.1812 of 2021 on the file of the respondent Police and quash the same as against the petitioner.

For Petitioner : Mr.L.Thangappa

For Respondent : Mr.R.Vinothraja
Government Advocate (Criminal Side)



ORDER

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2. The allegation in the final report is that on 29.10.2021, the petitioner, along with other persons, unlawfully assembled and by conducting a protest, caused a traffic jam and disturbance to the public. Therefore, a case in Crime No. 1812 of 2021 was registered for the offences under Sections 143 and 341 IPC.

3. The learned counsel appearing for the petitioner submitted that except for the general allegation, there is no specific allegation against the petitioner and no other materials are available. He further submitted that the prosecution has been launched with false allegations and even when the entire prosecution case is taken at face value, the same would not constitute any offence. He also submitted that continuing the prosecution would amount to nothing but an abuse of process of law. Therefore, he prayed that the FIR may be quashed.



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5. It is to be noted that while exercising the power under Section 482 Cr.P.C (corresponding to Section 528 BNSS), the Court should be slow. At the same time, if the Court finds that the entire materials collected by the prosecution, taken as a whole, would not constitute any offence, in such a situation, directing the parties to undergo the ordeal of trial would be a futile exercise and would infringe the right of the persons concerned. In this regard, the Apex Court in **State of Haryana and others Vs. Bhajan Lal and Others** reported in **1992 Supp (1) Supreme Court Cases 335**, has been held as follows :-

'.....

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R.



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do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously



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instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.'

6. It is also relevant to note the definition of Unlawful

Assembly:

'Unlawful Assembly-

An assembly of five or more persons is designated an "unlawful assembly", if the common object of the persons composing that assembly is -

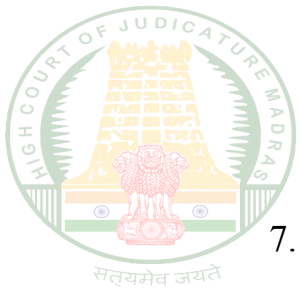
(i) to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

(ii) to resist the execution of any law, or of any legal process; or

(iii) to commit any mischief or criminal trespass, or other offence; or

(iv) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

(v) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.'



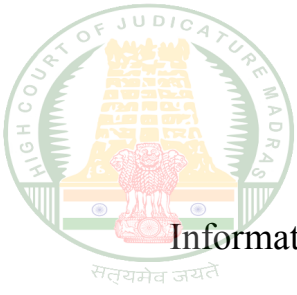
7. Only when the assembly fit into any of the above circumstances,

it could be construed as unlawful. The materials collected by the prosecution do not show that the accused had shown any criminal force to commit any mischief, crime or any offence or by way of criminal force, tried to take possession of the property or exercise any incorporeal right in the possession or enjoyment of others.

8. Even as per the FIR, it is not the case of the de facto complainant that the petitioners along with other accused have unlawfully assembled and used force or violence and hence, the offence under section 143 of IPC is not attracted.

9. Considering the above, this Court is of the view that the mere launching of an FIR by the prosecution itself is not sufficient to reach to the conclusion that the offences are made out. The materials collected by the prosecution do not support the case, therefore, continuing the prosecution on such shaky grounds or without any materials would amount to a clear abuse of the process of law.

10. Accordingly, this Criminal Original Petition is allowed and First



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Information Report registered in Crime No.1812 of 2021 on the file of the
respondent is quashed as against the petitioner. Consequently, the connected
miscellaneous petition is closed.

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Neutral Citation: Yes/No

To

1. The Inspector of Police,
Mayiladuthurai Police Station,
Mayiladuthurai.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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