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CRL OP No. 23772 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 23772 of 2025

1. SATHIYAMOORTHY

S/o.Chinnasami, No.119, Convent
Road, Sema Nagar, Tirupathur District.

Petitioner(s)

Vs

1. The State Rep by, The Inspector of
Police,
Jolarpet Police Station, Thirupathur
District. Cr.No.86/2018.

Respondent(s)

PRAYER : Criminal Original Petitions filed under section 528 of BNSS to call for the records in respect of the case in Cr.No.86/2018 on the file of the Inspector of Police, Jolarpet Police Station, Thirupathur District.

For Petitioner(s): T. Shanmugam

For Respondent(s): Mr.R.Vinodhraj,
Government Advocate [Crl.Side] – R1 & R2



ORDER

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This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.86/2018 on the file of the Inspector of Police, Jolarpet Police Station, Thirupathur District.

2. on 20.03.2018, the respondent had suo motto registered a case in Crime No.86 of 218 as against one Sampathkumar and 14 others for the offences under sections 143, 188 of IPC on the allegation that when the defacto complainant, who was Sub Inspector of Police, was on duty, the District Deputy Secretary of DMK party along with other men were protesting as against the Government of Tamilnadu regarding the dispute over permission granted towards 'Rama Ratha Yatra', due to which there was annoyance, obstruction to the Public.

3. The learned counsel for the petitioners submitted that the prosecution had been launched with false allegations and even when the entire prosecution case taken as a face value, the same would not constitute any offence and



continuing the prosecution is nothing but abuse of process of law. Therefore, submitted that the same may be quashed.

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4. The Learned Additional Public Prosecutor submitted that the accused unlawfully assembled and caused disturbance to the public, thereby, they have been prosecuted.

5. It is to be noted that while exercising the power under Section 482 of Cr.P.C, the Court should be slow, at the same time, if the Court finds that from the entire materials collected by the prosecution taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons and 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



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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. 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. Even as per the FIR, it is not the case of the defacto complainant that the petitioners along with other accused have unlawfully assembled and used force or violence and hence, offences under sections 143 of IPC is not attracted. Further it is not the case of the prosecution that the accused had disobeyed a lawful Order promulgated by a public servant to attract the offence under section 188 of IPC.

7. Considering the above, this Court is of the view that mere launching of the First Information Report by the prosecution itself is not sufficient to reach to the conclusion that offences are made out and the materials collected by the prosecution do not support for proving the case and continuing the prosecution on shaky or without any materials is clear abuse of process of law.



8. Accordingly, this Criminal Original Petition is allowed and

proceedings against the petitioner in Crime No.86 of 2018 on the file of the

respondent is quashed.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. The State Rep by, The Inspector of
Police,
Jolarpet Police Station, Thirupathur
District. Cr.No.86/2018.



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N.SATHISH KUMAR J.

VRC

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