



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 01-12-2025**

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA**

**CRL OP No. 32646 of 2025  
and Crl.M.P.No.22686 of 2025**

1. ASHIF

S/o.Nashar, Dharmaraja Kovil Street,  
Uthangarai Taluk, Krishnagiri District.

2. Imran

S/o.Sennaiyan, Dharmaraja Kovil  
Street, Uthangarai Taluk, Krishnagiri  
District.

3. Sangaranarayanan

S/o.Ganesan, MSM Thottam,  
Uthangarai, Krishnagiri.

4. Shalman

S/o.Umar, Dharma Kovil Street,  
Uthangarai, Krishnagiri.

Petitioners

Vs

1. The State of TN Rep. By

Inspector of Police, Uthangarai Taluk,  
Krishnagiri District.

Respondent

**PRAYER**

Criminal Original Petition filed under Section 528 of BNSS praying to call for  
the records relating to CC.NO.65/2020 on the file of Judicial Magistrate,



Uthangarai and quash the same as against the Petitioners.

For Petitioner(s): Mr.M.Ashwin Kumar  
For Respondent: Mr.S.Santhosh,  
Government Advocate (Criminal  
Side)

**ORDER**

This Criminal Original Petition has been filed seeking to call for the records relating to CC.No.65/2020 on the file of Judicial Magistrate, Uthangarai and quash the same as against the Petitioners.

2. The case of the prosecution is that on 06.08.2019, around 6 pm., the petitioners were waiting in the Uthangarai to Thirupathur road in two bikes bearing Registration Nos.TN 29 AU 1398 and TN 24 AJ 6961 (Discover and Pulsar) and are alleged to have talked with regard to setting a bus on fire, crossing that route. While that being so, it is the further case of the prosecution that the petitioners have made attempts to flee away on seeing the respondent police.

3. It is the further case of the prosecution that the respondent police blocked the petitioners' attempt of escape and upon enquiry, the petitioners stated that they are making an attempt and were ready to set fire on a bus crossing the route with a 5 litre can holding 2 litres of kerosene in it and the



same was in possession of Accused No.1 namely Ashif, which would likely cause loss to the Government by creating law and order problem.

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4. It is further submitted that the respondent police, based on the alleged commission of the offences by the accused, proceeded to seize two bikes and kerosene container in their possession and charged them under Section 7(I)(a) of the Criminal Law (Amendment) Act, 2005 in FIR in Crime Number 371/2019 on the file of the respondent police.

5. The learned counsel for the petitioners states that subsequently, the Judicial Magistrate, Uthangarai, has taken cognizance of the case and the same is taken on file as C.C.No.65 of 2020 on the file of Judicial Magistrate, Uthangarai.

6. Challenging the proceedings, the present Criminal Original Petition has been filed.

7. The learned counsel for the petitioners would submit that in the entire case of the prosecution, there is no iota of truth. He would submit that Section 7(I)(a) of the Criminal Law (Amendment) Act is only an amendment to Section 195A of Indian Penal Code and not independent penal provision and the charge



under Section 7(I)(a) of the Criminal Law (Amendment) Act as alleged by the counsel for the petitioners, is not punishable.

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8. As rightly pointed out by the learned counsel for the petitioners, Section 7(I)(a) of the Criminal Law (Amendment) Act is only an amendment to Section 195A of IPC and it is not a penal provision and hence, the entire proceedings is an abuse of process of law.

9. The learned counsel for the petitioners would further submit that offence under Section 7(I)(a) of the Criminal Law (Amendment) Act is not cognizable in nature and the registration of the FIR without prior permission of the Magistrate constitutes an abuse of process of law. In support of his contention, the learned counsel for the petitioners relied on the order dated 01.07.2022 passed by this Court in Crl.O.P.No.14911 of 2022.

10. The learned Government Advocate (Criminal Side) would also submit that in a case involving similar circumstances, this court has quashed the FIR registered against the petitioner, therein. Now, the petitioners are facing charge under Section 7(I)(a) of the Criminal Law (Amendment) Act.

11. This court, by order dated 01.07.2022, in Crl.O.P.No.14911 of 2022,



held as follows:-

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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 Tamilnadu 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. “

(emphasis supplied by this Court)

12. The respondent, without following the procedure, registered the FIR and conducted investigation and filed final report. Therefore, the entire proceedings is an abuse of process of law. Accordingly, C.C.No.65 of 2020 on the file of the Judicial Magistrate, Uthangarai, is quashed.

13. This criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

**01-12-2025**

nvsri

Neutral Citation:Yes/No



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CRL OP No. 32646 of 2025



**A.D.JAGADISH CHANDIRA, J.**

nvsri

To

- 1.The State of TN Rep. By  
Inspector of Police, Uthangarai Taluk,  
Krishnagiri District.
- 2.The learned Judicial Magistrate, Uthangarai.
- 3.The Public Prosecutor, High Court, Madras.

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