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Crl.O.P.No.33112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.33112 of 2025

M.Seethapathy

... Petitioner

Vs.

The State of Tamil Nadu by
The Inspector of Police
T-4, Maduravoyal Police Station
Tiruvallur District
(Crime No.563 of 2018)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 528 of B.N.S.S. to call for the records pertinent to the First Information Report in Crime No.563 of 2018 for the offences under Sections 143 and 188 IPC, on the file of the respondent police and quash the same.

For Petitioner : Mr.D.Raja

For Respondent : Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.563 of 2018, registered against the petitioner for the offences under Sections 143 and 188 IPC, on the file of the respondent police.

2. The case of the prosecution is that the petitioner, along with 73 others, without any prior permission, had assembled unlawfully near

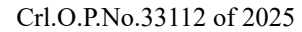


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Maduravoyal Erikkarai Junction and indulged in protest/agitation for Thoothukudi shooting incident and also raised slogans against the Government.

3. Learned counsel appearing for the petitioner would submit that during the assembly of the petitioner and others, there was no prohibitory order under Section 30(2) of the Police Act, 1861 and no untoward incident or violence occurred; in such circumstances, the respondent has no power to *suo motu* register the case. Further, according to the learned counsel, the facts of the instant case are similar to the case in ***Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District [2018 2 LW (Crl) 606]*** and ***Sri Raja vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others in (Crl.O.P. (MD) No.7922 of 2019 decided on 30.08.2019)***, in which the prosecutions stood quashed. He would further submit that the above decisions, would apply on all fours to the instant case.

4. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioner and 73 others, without prior permission, had assembled unlawfully and thereby caused disturbance to the public. However, he would fairly submit that there was no violence or untoward incident and nobody was injured in the said incident and he would endorse the above said submission of the learned counsel for the petitioner.



6. In the judgment in **Jeevanandham**, *supra*, it has been held that the police has no right to file a case under Sections 143 and 188 of IPC (Sections 189 and 223 of the BNS, 2023). Further, there was no violence or untoward incident and nobody was injured in the said incident. In such circumstances, the respondent has no right to register the case and to investigate the matter. It is also noteworthy that the impugned FIR was registered in the year 2018.

7. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending eternally.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.563 of 2018, pending on file of the Respondent Police, is hereby quashed against the petitioner.

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Neutral Citation: Yes/No

To

1. The Inspector of Police

T-4, Maduravoyal Police Station, Tiruvallur District

2. The Public Prosecutor

High Court of Madras, Chennai

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A.D.JAGADISH CHANDIRA J.

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