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Crl.O.P.No.32935 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32935 of 2025

M.Seethapathy

... Petitioner

Vs.

State of Tamil Nadu rep. By its
The Inspector of Police,
T-4, Maduravoyal Police Station,
Thiruvallur District
(Crime No.320 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S.
to call for the records in FIR in Crime No.320 of 2018 for the offences
under Section 143 and 188 of 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 FIR in
Crime No.320 of 2018, for the offences under Sections 143 and 188 of IPC,
on the file of the respondent police.

2. The case of the prosecution is that on 20.03.2018, at about 2.00
PM, while the Inspector of T-4, Maduravoyal Police Station was on patrol
near Maduravoyal Lakeside junction, it is alleged that the petitioner, along



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with some persons, unlawfully gathered and protested against the Government and were blocking the road without obtaining any prior permission. Based on the above allegations, a case was registered in Crime No.320 of 2018 on the file of the respondent police, for the offences under Sections 143 and 188 of IPC.

3. Learned counsel appearing for the petitioner would submit that the petitioner was nowhere connected to the above incident and the case was foisted against him. 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 were 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 others had protested in the middle of the road, thereby, causing 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.



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5. Heard the learned counsel and perused the materials available on record.

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, as fairly admitted by the learned Government Advocate (Crl.Side), there was no violence or untoward incident and nobody was injured in the said incident. In such circumstances, the first respondent police has no right to register the case and to investigate the matter.

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

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.320 of 2018, pending on file of the respondent police, is hereby quashed against the petitioner.

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ssa

Index:Yes/No

Neutral Citation:Yes/No



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A.D.JAGADISH CHANDIRA J.

ssa

To

1. The Inspector of Police,
T-4, Maduravoyal Police Station,
Thiruvallur District
2. The Public Prosecutor,
High Court of Madras.

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