



WEB COPY

CRL OP No. 34723 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 34723 of 2025

and

CRL MP.No.24333 of 2025

Muthukumaran

Petitioner

Vs

The State Rep By,
The Inspector of Police
Pennadam Police Station,
Cuddalore.
Crime No.95 of 2024.

Respondent

Prayer: Criminal Original Petition filed under 528 of BNSS, to call for the records in Crime No.95 of 2024 on the file of Inspector of Police, Pennadam Police Station, Cuddalore District.

For Petitioner: Mr.R.Sankarasubbu

For Respondent: Mr.S.Santhosh
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First

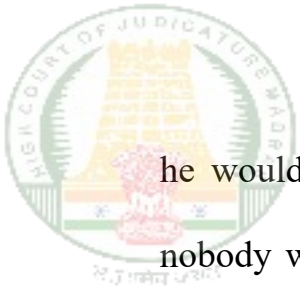


Information Report in Crime No.95 of 2024 dated 04.05.2024 registered against the petitioner for the offences under Sections 143 and 341 IPC, on the file of the respondent police.

2. The case of the prosecution is that the petitioner, along with 13 others, without any prior permission, had assembled unlawfully near Pennadam East Valpattarai Bus stop and indulged in protest/agitation for non-supply of electricity and drinking water 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 13 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.

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 341 of IPC (Sections 189 and 126(2) 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 2024.

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.95 of 2024, pending on file of the Respondent Police, is hereby quashed against the petitioner and all the other accused. Consequently connected miscellaneous petition is closed.

19-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Shl



To

1. The Inspector of Police
Pennadam Police Station,
Cuddalore.

2. The Public Prosecutor
High Court of Madras



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A.D.JAGADISH CHANDIRA J.

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