



Crl.O.P(MD)No.4055 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.4055 of 2025

Sanjaykumar

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to call for the records relating to the impugned FIR in Cr. NO. 1637 of 2020 dt. 16.06.2020 pending on the file of the respondent police and quash the same as illegal.

For Petitioner : Mr.M.S.Kadhar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

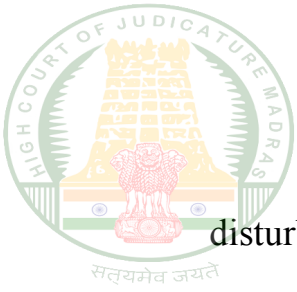
This Criminal Original Petition has been filed to quash the proceedings in FIR in Cr. NO. 1637 of 2020, dated 16.06.2020 pending on the file of the respondent police.



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2.The learned counsel for the petitioner would submit that the Respondent Police registered a false case against the petitioner in Cr.No.1637/2020 for the offence under Section 75 of TNCP Act, 1988. Even as per the FIR, no offences made out as against the petitioner. As far as section 75 of TNCP Act, 1988 is concerned, the act should be held in a public place and the annoyance should be made to the public in a drunken mood and incapable of taking care of himself or behaving violent or boisterous or disorderly or riotous or indecent manner or using, threatening, abusive or insulting words which causes or is likely to cause breach of public peace, shall be liable for conviction. As per the content of FIR, no public place is mentioned and status of the petitioner, while causing such annoyance has not even been mentioned in the FIR. The offence under Section 75 of TNCP Act, 1988 is punishable for a period of 6 months, but the date of alleged FIR is 16.06.2020, but till now charge sheet has not been filed. The case is barred by limitation, therefore the pending FIR is liable to be quashed.

3.The learned Government Advocate (Crl.Side) would submit that the petitioner on 16.06.2020 at about 14 hours while he was standing at No.8C, Melaponnagaram 11th street, Madurai City causing



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disturbance to the public and inspite of warning, he continues his act, thereby, the respondent police had registered a case in Cr.No.1637/2020 and the investigation is pending. Hence, the petition is liable to be dismissed.

4.Heard the learned counsels appearing on either side and perused the materials available on record.

5.According to the petitioner, the FIR does not disclose the ingredients to constitute an offence under Section 75 of TNCP Act, 1988. To attract the offence under Section 75 of TNCP Act, 1988 the act should be held in a public place and the annoyance should be made to the public in a drunken mood and incapable of taking care of himself or behaving violent or boisterous or disorderly or riotous or indecent manner or using, threatening, abusive or insulting words which causes or is likely to cause breach of public peace. But in the FIR, no offence is made out to constitute the offence as per Section 75 of TNCP Act, 1988. Only vague allegations, have been made stating that the petitioner standing in a public place and abused the public and no averments in the FIR to constitute an offence under Section 75 of TNCP Act, 1988.



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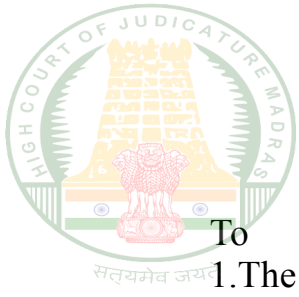
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6.In this case, no public lodged a complaint against the petitioner and the respondent Police has also registered a case without any complaint from the public. Moreover, the date of FIR is 16.06.2020. So far, the Respondent Police has not completed the investigation and filed the final report and the alleged offence is punishable for a period of 6 months and for the past 5 years, the Respondent Police has not filed the final report. Therefore, the Respondent Police has not filed the final report within the period of limitation. In view of the above, the pending FIR is liable to be quashed.

7.Accordingly, this petition is allowed and the FIR in Cr.No. 1637 of 2020, on the file of respondent police is quashed.

17.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM



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To

1.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P. DHANABAL, J.

PNM

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