



Crl.OP(MD)No.21894 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21894 of 2025

and

CRL MP(MD)Nos.18798 and 18801 of 2025

Shanmugapriya @ Balapriya

... Petitioner / Accused No.8

Vs.

The State of Tamilnadu,
Rep. by The Inspector
of Police,

Valliyoor Police Station,
Tirunelveli District.

(Crime No.191 of 2022)

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Impugned Charge Sheet in S.T.C.No.178 of 2023 on the file of the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District and quash the same.

For Petitioner : Mr.K.Rajeshwaran

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in S.T.C. No.178 of 2023 arising out of Crime No.



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193 of 2022 and connected Crime No.191 of 2022 on the file of the respondent police, in so far as the petitioner (arrayed as A8) is concerned.

2. The brief facts leading to the filing of this petition are as follows:

On 27.07.2022 at about 6.00 p.m., the respondent police registered Crime No.191 of 2022 on the basis of a complaint lodged by one Muthukumaran, Assistant Engineer, State Highways Department, alleging that certain persons had implanted flag posts of the Bharatiya Janata Party at various locations, namely Samathuvapuram Junction, Valliyoor-Kottaiyadi Bus stop, near Valliyoor Concordia School Community Centre, without permission from the local authorities, thereby causing hindrance and inconvenience to public transport. The offences were registered under Section 4-A(1)(a) of the TNOPD Act, 1959.

3. Prior to the registration of the FIR, the local office bearers of the Bharatiya Janata Party were instructed to remove the unauthorised flag posts. Despite such intimation, the said direction



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was not complied with, which compelled the authorities to remove all such flag posts.

4. Aggrieved by the removal of the flag posts, the office bearers of the party circulated messages among their cadres calling upon them to assemble and demonstrate before the police station at Valliyoor.

5. Accordingly, on 08.08.2022 at about 11.30 p.m., a group of 196 cadres and leaders belonging to the Bharatiya Janata Party assembled near Valliyoor–Radhapuram Post Office located on Valliyoor–Radhapuram Road, and staged a demonstration seeking that the police replant the removed flag posts. On the basis of the said incident, Crime No.191 of 2022 came to be registered against 198 persons, including the petitioner.

6. After completion of the investigation, a final report was filed before the learned Judicial Magistrate, Valliyoor and the same was taken cognizance of in S.T.C. No.178 of 2023.



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7. The petitioner contends that no specific overt act has been attributed to her either in the FIR, the statements of witnesses, or in the final report. It is submitted that except for her name being included among several others, there is no allegation identifying any unlawful act committed by her so as to attract the offences alleged.

8. The learned counsel for the petitioner would submit that the final report merely contains vague and omnibus allegations and none of the nine prosecution witnesses have made any specific statement regarding the participation of the petitioner in the alleged offences. Hence, the continuance of criminal prosecution against the petitioner amounts to abuse of process of law.

9. Per contra, the learned Government Advocate would submit that the petitioner was one among the group of persons who participated in the protest and therefore, the charge sheet ought not to be interfered with at the threshold.

10. Heard the learned counsels on either side and carefully perused the materials available on record.



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Points for Consideration:

11. Whether the materials placed by the prosecution disclose any specific act or ingredient constituting an offence against the petitioner so as to justify continuation of proceedings in S.T.C. No. 178 of 2023?

Analysis:

12. A perusal of the FIR, the statements recorded under Section 161 Cr.P.C., 1973, and the final report reveals that the petitioner has not been attributed with any specific overt act. The inclusion of her name appears only as part of a large assembly of persons. No witness has spoken about the petitioner's alleged participation or any role played by her in implanting flag posts or in staging the protest.

13. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal**¹, has held that where the uncontroverted allegations do not disclose the commission of an offence or where the allegations are absurd or inherently improbable, the FIR or charge sheet may be quashed under Section 482 Cr.P.C., 1973.

¹ 1992 Supp (1) SCC 335



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14. In the present case, the imputation against the petitioner is vague, general and unsupported by any material. Even if the entire charge sheet is accepted as true, no offence under Section 4-A(1)(a) of the TNOPD Act or any other provision is made out against her.

15. The prosecution against the petitioner, therefore, is nothing but a mechanical roping in of a large number of persons without any material to show her involvement. Continuation of such proceedings would amount to a clear abuse of process of court.

16. This Court is therefore satisfied that the ingredients laid down by the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***¹ stand fully attracted, warranting interference.

17. For the foregoing reasons, this Court holds that the continuation of proceedings in S.T.C. No.178 of 2023 as against the petitioner is unwarranted, unsustainable and liable to be quashed.

18. This Criminal Original Petition is allowed. The proceedings in S.T.C. No.178 of 2023 on the file of the learned Judicial

¹ 1992 Supp (1) SCC 335



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Magistrate, Valliyoor, are quashed in so far as the petitioner (A8) is concerned. Consequently, connected miscellaneous petitions are closed.

02.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate Court,
Valliyoor, Tirunelveli District.
- 2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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