



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

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THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 3783 of 2026

and

Crl.M.P.Nos.2619 and 2620 of 2026

Hari @ Harikaran

..Petitioner(s)

Vs

1. The State Rep. by The Sub Inspector of Police
Nettapakkam Police Station,
Puducherry District.
Crime No. 92/2013.
2. J.M.Patrick
SI of Police,
Nettapakkam PS,
Puducherry.

..Respondent(s)

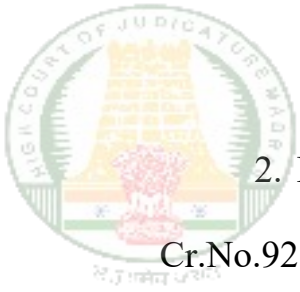
Prayer: This criminal original petition has been filed under Section 528 of BNSS calling for the records in connection with C.C.No. 20 of 2017 on the file of the learned Judicial Magistrate No.I, Puducherry and quash the same.

For Petitioner(s): Mr.S.Saravana Kumar

For Respondent(s): Mr.M.V.Ramachandra Murthy,
Public Prosecutor (Puducherry)
Assisted by Mr.A.Alexander,
Government Advocate for R1

ORDER

This criminal original petition has been filed seeking quashment of the order dated passed in C.C.No.20 of 2017 by the learned Judicial Magistrate No.I, Puducherry.



2. Based on the complaint given by the second respondent, a case in Cr.No.92 of 2013 was registered by the first respondent for the offences punishable under Sections 147, 148, 153(A), 336, 427, 353 and 506(ii) r/w.149 of IPC, 1860, against the petitioner and 52 others. Upon completion of the investigation, the respondent file a final report, and the case was taken cognizance of and is presently pending trial in C.C.No.20 of 2017. The charge sheet reads as follows:

That on 24.09.2013 in between 09.30 hrs & 11.00 hrs, at the junction of Pandasozhanallur, Nettapakkam, Puducherry 2 kmtrs towards South East from PS, the accused persons notes in this charge sheet at Col.No.11, were belonging to 1.PMK Originaintha Vanniyar Kudiruppu Nala Sangam and 2. VCK Party in prosecution of common object formed themselves into an unlawful assembly armed with deadly weapons, promoting enmity between two groups of political parties doing acts prejudicial to maintenance of harmony, damaged the digital banner of VCK / PMK and pelted stones against each other and deterred the police officer and men to discharge their official duty by using violence. They also threatened them with dire consequences due to political enmity. And thereby all the accused persons A1 to A53 rendered themselves liable to be punished u/s.147, 148, 153(A), 336, 427, 353 and 506(ii) r/w.149 of IPC.



3. The submissions of the learned counsel appearing for the petitioner are as follows:-

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3.1. The petitioner is a resident of Kalmandabam Village, Puducherry and has been arrayed as A22 in the present case without there being any specific allegation against him. The case was registered on 24.09.2013, the final report was filed on 27.11.2014 and the same was taken on file in C.C.No.20 of 2017. Though cognizance has been taken, there has been no progress in the trial for the past eight years, and nearly thirteen years have elapsed from the date of registration of the case.

3.2. The case was registered for the offences under Sections 147, 148, 153 A, 336, 427, 353 and 506(ii) r/w.149 of IPC, 1860. Insofar as the offence under Section 153 A of IPC, 1860, prior sanction of the competent authority is mandatory under Section 196 of the Code of Criminal Procedure, and in the absence of such sanction, the prosecution is vitiated.

3.3. However, in the present case, no sanction has been obtained by the respondent as mandated under law, and the learned Magistrate has taken cognizance of the offence in the absence of such sanction, which is impermissible. The petitioner's name does not find place in the First Information Report. In the absence of any test identification parade or any legally acceptable material, the petitioner has been falsely implicated in the



case based on fake allegations.

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3.4. This Court, in a similar matter in Suo Motu WP.(Crl).No.618 of 2025, had exercised its powers to quash criminal proceedings on the ground of inordinate delay, in order to safeguard the right to speedy trial guaranteed under Article 21 of Constitution of India. Therefore, the proceedings pending before the learned Judicial Magistrate No.I, Puducherry, in C.C.No.20 of 2017 as against the petitioner is liable to be quashed.

4. The learned Public Prosecutor (Puducherry) appearing for the first respondent police submits that the petitioner, along with 52 others, belongs to rival political parties and different communities, and that they had promoted hatred and enmity between groups. He fairly submits that no sanction has been obtained under Section 196 of Cr.P.C. However, he submits that instead of quashing the proceedings, the matter may be remitted to the trial Court for the purpose of obtaining appropriate sanction.

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

6. At the outset, for better appreciation of the issue, Section 196 of Cr.P.C. is extracted below at the cost of prolixity:



***“196. Prosecution for offences against the State
and for criminal conspiracy to commit such offence***

(1) No Court shall take cognizance of—

(a) any offence punishable under Chapter VI or under section 153A, section 295A or subsection (1) of section 505 of the Indian Penal Code (45 of 1860), or

*(b) a criminal conspiracy to commit such offence,
or*

(c) any such abetment, as is described in section 108A of the Indian Penal Code (45 of 1860), except with the previous sanction of the Central Government or of the State Government

(1A) No Court shall take cognizance of—

(a) any offence punishable under section 153B or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code (45 of 1860), or

(b) a criminal conspiracy to commit such offence, except with the previous sanction of the Central Government or of the State Government or of the District Magistrate

(2) No Court shall take cognizance of the offence of any criminal conspiracy punishable under section 120B of the Indian Penal Code (45 of 1860), other than a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, unless the State Government or



the District Magistrate has consented in writing to the initiation of the proceeding:

Provided that where the criminal conspiracy is one to which the provisions of section 195 apply, no such consent shall be necessary

(3) The Central Government or the State Government may, before according sanction under subsection (1) or sub-section (1A) and the District Magistrate may, before according sanction under sub-section (1A) and the State Government or the District Magistrate may, before giving consent under sub-section (2), order a preliminary investigation by a police officer not being below the rank of Inspector, in which case such police officer shall have the powers referred to in subsection (3) of section 155”

7. Taking into consideration the fact that the case has been taken on file for the offences under Sections 147, 148, 153 A, 336, 427, 353 and 506(ii) r/w.149 of IPC, 1860, this Court finds that for prosecuting the offence under Section 153 A of IPC, 1860, the respondent ought to have obtained prior sanction under Section 196 of Cr.P.C.

8. Admittedly, in the case on hand, no sanction has been obtained. In the absence of mandatory sanction, taking cognizance of the offence is *per se*



unsustainable. Hence, this Court finds that no useful purpose will be served by keeping the proceedings pending. Further, the matter has been pending from the year 2013 without any progress in trial.

9. In view of the aforesaid reasons, in exercise of powers under Section 482 of Cr.P.C., this Court is inclined to quash the proceedings in C.C.No.20 of 2017 on the file of the learned Judicial Magistrate No.I, Puducherry and accordingly, the same is quashed in entirety.

10. This criminal original petition is allowed in the above terms. Consequently, connected miscellaneous petitions stand closed.

20-02-2026

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

1. The Sub Inspector of Police
Nettapakkam Police Station,
Puducherry District.
Crime No. 92/2013.
2. The Judicial Magistrate No.I, Puducherry.
3. The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA, J.

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