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CRL OP No. 5128 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-03-2026**

CORAM

**THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR**

**CRL OP No. 5128 of 2026**

**and**

**CRL MP No.3854 of 2026**

S.Raja @ Sitharaj

Petitioner(s)

Vs

1. The State, Rep by  
The Inspector of Police,  
Kelamangalam Police Station,  
Krishnagiri District.  
Crime No.72 of 2024

2.Subramani  
Special Sub-Inspector,  
Kelamangalam Police Station,  
Krishnagiri District.

Respondent(s)

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to FIR in Crime No.72 of 2024, on the file of the Inspector of Police, Kelamangalam Police Station, Krishnagiri District, dated 09.03.2024 and to quash the same and thus render justice.

For Petitioner(s): Mr.C.R.Malarvannan

For Respondent(s): Mr.Leonard Arul Joseph Selvam  
Additional Public Prosecutor  
For R1



## **ORDER**

The petitioner, who is an accused facing trial for offence under Section 7(1)(a) of the Criminal Law (Amendment) Act, 2005, has filed the present petition to quash the FIR in Crime No.72 of 2024 on the file of the Kelamangalam Police Station, Krishnagiri District.

2. The contention of the petitioner is that, a complete reading of the FIR would show that there is no specific overt act attributed against the petitioner, except for an omnibus allegation that he was shouting that he would damage and set fire to a bus. Apart from this bald allegation, there is no other specific allegation against the petitioner, and there is no disclosure of any primary objective behind the alleged offences to disturb public order. It is also stated that the case has been registered solely for “political and statistical purposes” and to justify the illegal continuation of his name in History Sheet No.85 of 2008.

3. The learned counsel for the petitioner submitted that Section 7(1)(a) of Criminal Law (Amendment) Act is only an amendment to Section 195A of IPC and it is not a penal provision. He further referred to the Government Order dated 14.05.2015, the Repealing and Amending (Second) Act, 2015, and



submitted that nothing survives in the FIR. He also relied upon the order dated 01.07.2022 passed by this Court in Crl.O.P.No.14911 of 2022, wherein this Court had quashed the FIR on similar grounds.

4. The learned Additional Public Prosecutor for the first respondent police submitted that the petitioner is a history sheeter. On 09.02.2024 at about 2.30 p.m., the Special Sub-Inspector/de facto complainant, along with three other Constables went on patrol duty to Kelamangalam Four Road, Sultanpettai, Jeeva Nagar, Anna Nagar, Kelamangalam Bus Stand, and found that the petitioner was allegedly creating disturbance to public order by shouting threats, obstructing public transport and claiming to be a rowdy involved in multiple murder cases, besides causing damages to the windshield of a bus. Hence, the case was registered in Crime No.72 of 2024 on the file of the 1<sup>st</sup> respondent under Section 7(1)(a) of the Criminal Law (Amendment) Act, 2005. Further, the learned Additional Public Prosecutor fairly admitted the applicability of the Repealing and Amending (Second) Act, 2015.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the first respondent and also perused the materials available on record.



6. At the outset, this Court feels that it would be apposite to extract the Operative Portion of the order dated 01.07.2022 in CrI.O.P.No.14911 of 2022, which reads as under:

“5. As rightly pointed out by the learned counsel for the petitioner, Section 7[1] [A] of Criminal Law Amendment Act is only an amendment to Section 195A of IPC and it is not a penal provision. In such view of the matter, slapping of the provision under the Criminal Law Amendment Act is misconceived and the offence alleged against the petitioner under Criminal Law Amendment Act is not punishable. Therefore, registration of the First Information Report under the above section will not serve any purpose. Further, maximum punishment for Section 75 of the Tamilnadu City Police Act is 6 months or fine not exceeding Rs.1000/- and the offence is a non cognizable offence and therefore, investigation cannot be proceeded without the permission of the learned Magistrate under section 155 of Cr.P.C. Without following the above procedures, filing of the First Information Report and conducting Investigation is nothing but abuse of process of law.

6. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.788 of 2017 on the file of the respondent, is quashed. Consequently, connected miscellaneous petition is closed.”

7. From the above submissions made by the learned counsel on either side and also the order extracted above, this Court is of the view that the continuation of the proceedings against the petitioner is not justifiable and would amount to an abuse of process of law.

8. Hence, this Court is inclined to quash the FIR in Crime No.72 of 2024 on the file of the Inspector of Police, Kelamangalam Police Station, Krishnagiri



District, and accordingly, the same is quashed.

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9. At this juncture, it is reported that the FIR in Crime No.72 of 2024 has culminated into a charge sheet and the same has been taken on file in S.T.C.No.913 of 2024 before the District Munsif Court, Denkanikottai.

10. In view of the quashing of the FIR in Crime No.72 of 2024 on the file of the Inspector of Police, Kelamangalam Police Station, Krishnagiri District, the charge sheet in S.T.C.No.913 of 2024, is also quashed.

11. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

**23-03-2026**

Jd

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

To

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Krishnagiri District.  
Crime No.72 of 2024

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Special Sub-Inspector,  
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3. The Public Prosecutor,  
Madras High Court, Chennai.

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**M.NIRMAL KUMAR J.**  
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