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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6122 of 2026

and

CRL.MP Nos.4514 & 4516 of 2026

Krishnan

Petitioner(s)

Vs

1. State Represented by
The Inspector of Police
Karuveppilankurichi Police Station,
Cuddalore District.
Crime No.272 of 2016.

2.Kennadi

Respondent(s)

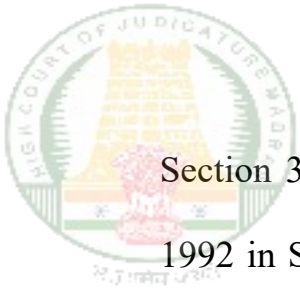
PRAYER: Criminal original petition filed under Section 528 of BNSS, 2023, to call for the entire records in connection with impugned final report in S.C.No.108 of 2021 on the file of the Learned III Additional District and Sessions Judge, Vridhachalam, Cuddalore District and quash the same, in so far as the petitioner concerned.

For Petitioner(s): Mr.M.Mohamed Saifulla

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

ORDER

The petitioner/Accused No.25, who is facing trial for the alleged offences under Sections 143, 147, 148, 188, 294(b), 341, 352, 353 & 506(ii) IPC r/w



Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992 in S.C. No. 108 of 2021 on the file of learned III Additional District and Sessions Judge, Vridhachalam, Cuddalore District has filed the above quash petition.

2. On the complaint given by the 2nd respondent herein, a case in Crime No. 272 of 2016 was registered by the 1st respondent Police for offences under Sections 143, 147, 148, 188, 294(b), 341, 352, 353 & 506(ii) IPC r/w Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992 against the petitioner and 36 others. On completion of investigation, charge sheet came to be filed listing eight witnesses as LW1 to LW8 and documents.

3. The gist of the complaint is that on 17.09.2016, at about 8.45p.m., the petitioner along with other accused persons had unlawfully assembled at the occurrence place and conducted agitation claiming compensation for the death of one Seenivasan, who died in an accident at Rajendrapattinam Main Road and thereby caused disturbance to the general public and transport. The complaint further states that when the Revenue Divisional Officer came to the place of occurrence to discuss about the incident with the protestors, the de facto complainant, who is the driver of the Revenue Divisional Officer, was attacked and abused and the accused persons had also



thrown stones and damaged the mirror of the Revenue Divisional Officer's car, thereby resulting in lodging of complaint by the de facto complainant/2nd respondent herein. As already stated, on completion of investigation, charge sheet came to be filed before the learned III Additional District and Sessions Judge, Vridhachalam, Cuddalore District and the same was taken on file as S.C. No. 108 of 2021.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted upon him. According to the learned counsel, there are no materials to prove that the petitioner has committed the offences as alleged by the prosecution. The learned counsel for the petitioner further submitted that no order promulgated by public servant has been violated; that all the witnesses listed are Government Officials and no statement has been obtained from public or independent persons under Section 161 Cr.P.C.

5. The learned counsel also submitted that this Court in a catena of judgments has clearly held that the police personnel are not empowered to register an FIR under Section 188 IPC. There is nothing to show that on the date of occurrence, there was any prohibitory order in force and whether that order was communicated in the prescribed manner is also not known. The learned counsel further submitted that this Court in the case of "***Madhan Mohan Versus The State and another in Crl.O.P.Nos.23129 & 23127 of 2019***"



on similar grounds, quashed the proceedings against the accused. Further, in the case of “*Jeevanandham and others Vs. State Rep. by Inspector of Police and another*” reported in (2018) 2 LW CrL. 606”, had given an authoritative pronouncement regarding the cases to be registered and investigated under Section 188 IPC and also issued certain guidelines, which is violated in this case. Hence, he prayed for quashing of the proceedings against the petitioner.

6. The learned Additional Public Prosecutor for the 1st respondent submitted that the petitioner along with others, without getting permission from the authorities concerned, had formed themselves into an unlawful assembly, restrained the others and caused public disturbance. On completion of investigation, charge sheet has been filed in this case.

7. Considered the submissions on either side and perused the materials on record.

8. It is seen from the statements of witnesses, L.W.s 1 to L.W.5 that on the date of occurrence, around 50 residents of Rajendrapattinam Colony, had formed themselves into an unlawful assembly and conducted an agitation claiming compensation over the death of one Seenivasan, who is said to have died in an accident at Rajendrapattinam Main Road. The petitioner is also shown to be one of the accused. Admittedly, in this case, the occurrence had taken place in a public place and in public view. However, no public or independent witnesses were examined by the prosecution, which causes a serious doubt on the veracity of the complaint. Further, this Court in the case of



“Jeevanandham and others Vs. State Rep. by Inspector of Police and another

reported in (2018) 2 LW CrL. 606” had clearly held that the police officials are not empowered to register a case under Section 188 IPC and the same is barred under Section 195 Cr.P.C. There is no material to show that there was promulgation of any prohibitory order which was communicated to the public and there was any disobedience by the petitioner. Further, in consequence to the protest, the prosecution failed to show whether any trouble injuries occurred. Thus, the respondent Police did not follow the guidelines issued by this Court in ***Jeevanandham (Cited Supra)***. In several cases, this Court quashes the proceedings against the accused/protesters on similar ground.

9.In the result, the proceedings in S.C. No. 108 of 2021 on the file of learned III Additional District and Sessions Judge, Vridhachalam, Cuddalore District is hereby quashed in so far as the petitioner is concerned. This Criminal Original Petition is allowed accordingly. Consequently, the connected Criminal Miscellaneous Petitions are closed.

10-03-2026

Neutral Citation: Yes/No
nv

M.NIRMAL KUMAR, J.



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WEB COPY

To

1.The III Additional District and Sessions Judge,
Vridhachalam, Cuddalore District.

2.The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.

3.The Public Prosecutor
High Court, Madras.

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