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CRL OP No. 9589 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9589 of 2026

V.Vasanth
S/o.Venkatesan,
Sudalai Colony Street,
Erukankattupadugai,
Cuddalore district 608 401.

..Petitioner(s)

Vs

1. The State Rep. by The Inspector of Police
Anaikaranchatram Police Station,
Mayiladuthurai District.
Cr.No. 305/2020.
2. Vanitha
The Inspector of Police,
Anaikaranchathram Police Station,
Mayiladuthurai District.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the FIR in Cr.No.305 of 2020 dated 24.04.2020 on the file of the Inspector of Police, Anaikaranchatram Police Station, Mayiladuthurai District and to quash the same in view of the proceedings on the petitioner as accused.

For Petitioner(s):

Mr. R.Barathkumar

For Respondent(s):

Mr.R.Rajasekaran
Counsel for Government of Tamilnadu
(Criminal Side) for R1



ORDER

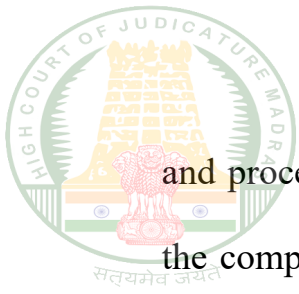
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The petitioner / accused has filed this quash petition, seeking to quash the FIR in Cr.No.305 of 2020 dated 24.04.2020 on the file of the Inspector of Police, Anaikaranchatram Police Station, Mayiladuthurai District.

2. According to the prosecution, on 24.04.2020, during the period when lockdown restrictions were in force, the petitioner was intercepted by the respondent Police and questioned regarding his movement. Since the petitioner failed to provide a satisfactory explanation for his movement during the lockdown period, a case in Crime No.305 of 2020 was registered against him for the offence punishable under Section 188 of the Indian Penal Code.

3. The learned counsel appearing for the petitioner submitted that the registration of the impugned FIR is wholly unsustainable in law. The offence under Section 188 IPC is attracted only when there is a violation of an order duly promulgated by a public servant and that cognizance of such offence can be taken only upon a complaint in writing by the concerned public servant as contemplated under Section 195(1)(a)(i) Cr.P.C.

4. The learned counsel further submitted that the respondent Police could not have registered the FIR on their own for the offence under Section 188 IPC



and proceeded with the investigation. In the absence of a written complaint by the competent public servant whose order is alleged to have been violated, the very registration of the case is without jurisdiction and liable to be quashed.

5. The learned counsel also submitted that the allegations in the FIR, even if taken at face value, do not disclose the essential ingredients of the offence under Section 188 IPC. There is no specific allegation regarding the existence of any duly promulgated order, the manner of its violation, or the knowledge of the petitioner regarding such order.

6. Placing reliance upon the judgment of the Full Bench of the Madras High Court in *Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District* reported in (2018 2 LW (Crl) 606), the learned counsel submitted that the registration of an FIR for an offence under Section 188 IPC by the Police is impermissible and that the proceedings initiated pursuant thereto are liable to be quashed.

7. This Court has carefully considered the submissions made on either side and perused the materials available on record.

8. The impugned FIR has been registered solely for the offence punishable under Section 188 IPC on the allegation that the petitioner had



violated the lockdown restrictions in force on the date of occurrence. It is well settled that, in view of the bar contained under Section 195(1)(a)(i) Cr.P.C., no Court can take cognisance of an offence under Section 188 IPC except upon a complaint in writing by the public servant concerned or by another public servant to whom he is administratively subordinate.

9. In the present case, the respondent Police have registered the FIR on their own and there is nothing on record to show that a complaint, as contemplated under Section 195 Cr.P.C., had been lodged by the competent public servant. Therefore, the registration of the FIR and the consequential proceedings are not sustainable in law.

10. Further, the issue is no longer *res integra* in view of the decision of the Full Bench of this Court in **Jeevanandham's** case (cited *supra*), wherein it has been categorically held that the Police cannot register an FIR for the offence under Section 188 IPC and proceed with the investigation in the absence of a complaint by the competent public servant.

11. In such circumstances, this Court is of the considered view that permitting the impugned proceedings to continue would amount to an abuse of process of law. Accordingly, the FIR in Crime No.305 of 2020 dated 24.04.2020 on the file of the Inspector of Police, Anaikaranchatram Police



Station, Mayiladuthurai District, is quashed.

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12. In the result, this Criminal Original Petition stands allowed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Inspector of Police
Anaikaranchatram Police Station,
Mayiladuthurai District.
Cr.No. 305/2020.
2. The Public Prosecutor
High Court of Madras.



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M.NIRMAL KUMAR, J.

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