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CRL OP No. 35268 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 35268 of 2025 and
CRL MP No.24813 of 2025**

Ahmed Moitheen (Kutty)
@ Ahamed Mohideen Hassan Kuthoos

Petitioner

Vs

The State Rep. by,
The Inspector of Police,
Tambaram Police Station, Chennai.
Crime No.121/2022

Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records in Cr.No.121 of 2022 on the file of the respondent herein and quash the same allowing this Criminal Original Petition.

For Petitioner: Mr.I.Abdul Basith

For Respondent: Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the case in



Cr.No.121 of 2022, for the offences under Sections 143, 283, 269 of IPC and Section 51(b) of the Disaster Management Act, 2005.

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2. The case of the prosecution is that on 06.03.2022, at about 2.00.P.M, the petitioner along with 611 members persons, unlawfully gathered near the Gandhi Road-MRM Road Junction, West Tambaram, without any prior permission. Based on the above allegations, a case was registered in Cr.No.121 of 2022, for the offences under Sections 143, 283, 269 of IPC and Section 51(b) of the Disaster Management Act, 2005.

3. The learned counsel for the petitioner would submit that the petitioner along with 611 members, on 06.03.2022, gathered for 75th year celebration and the petitioner and others did not indulge in any violence. He would further submit that even taking into consideration the contents in the FIR at their face value, the offences alleged are not made out as against the petitioner. Hence, the registration of FIR is illegal and in violation of Section 60 of the Disaster Management Act, 2005.

4. The learned counsel appearing for the petitioner would submit that this petitioner is arrayed as A2 in this case. He would further submit that during the assembly of the petitioner and others, there was no prohibitory order under Section 30(2) of the Police Act, 1861 and no untoward incident or violence



occurred; in such circumstances, the respondent has no power to *suo motu* register the case. Further, according to the learned counsel, the facts of the instant case are similar to the case in ***Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District [2018 2 LW (Crl) 606]*** and ***Sri Raja vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others in (Crl.O.P. (MD) No.7922 of 2019 decided on 30.08.2019)***. He would further submit that the above decisions, would apply on all fours to the instant case. He would also submit that the respondent after completion of investigation, has filed the final report through e-filing on 07.10.2025 and the case is also barred by limitation.

5. Mr.S.Santhosh, learned Government Advocate (Crl.Side) would submit that though prior permission was not obtained by the respondent Police for registering a case, the offences alleged are made out against the petitioner and therefore, he objects the quashing of the proceedings. However, he would fairly submit that there was no violence or untoward incident and nobody was injured in the said incident and would endorse the above said submission of the learned counsel for the petitioner.

6. Heard the learned counsel on either side and perused the materials available for this case.



7. Admittedly, the case has been registered by the first respondent Police without obtaining any prior permission. In the judgment in **Jeevanandham**, *supra*, it has been held that the police has no right to file a case under Sections 143 and 188 of IPC (Sections 189 and 223 of the BNS, 2023). Further, there was no violence or untoward incident and nobody was injured in the said incident. In such circumstances, the first respondent police has no right to register the case and to investigate the matter.

8. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending as against the petitioner and other accused persons.

Accordingly, the Criminal Original Petition stands allowed and the proceedings in Cr.No.121 of 2022, pending on the file of the respondent police is hereby quashed against the petitioner as well as other accused in its entirety. Consequently, the connected Miscellaneous Petition is closed.

05.01.2026

Neutral Citation: Yes/No
ssa

To

1. The Inspector of Police,
Tambaram Police Station, Chennai.



2. The Public Prosecutor,
High Court, Madras.

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6/6

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A.D.JAGADISH CHANDIRA, J.

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