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CRL. O.P. No. 1418 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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

CRL.O.P. No. 1418 of 2026

R.S.Rajesh,
S/o.Rangarao Sargunam,
No.51/66-2, Seniyamman Koil Street,
Tondiarpet,
Chennai - 600 081.

..Petitioner(s)

Vs

State rep. by
The Sub- Inspector of Police,
H-5, New Washermenpet Police Station,
Washermenpet, Chennai.
(Crime No.391/2023)

..Respondent(s)

PRAYER: Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records and quash the proceedings as against the petitioner in Crime No.391 of 2023 pending on the file of the respondent.

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

For Respondent(s) : Mr.K.M.D. Muhilan
Additional Public Prosecutor



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Order

The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.391 of 2023 pending on the file of the respondent/police.

2.The case of the prosecution is that on 30.08.2023 around 10.00 a.m. when the *de facto* complainant who is the Sub Inspector of Police, during his duty, upon receiving information went near A.E. Kovil Street, T.H. Road Junction, without prior permission from the Competent Authority, the petitioner and others assembled and raised slogans against the Tamil Nadu State Government demanding issuance of Rs.1,000/- to all the women upon the Welfare Scheme announced by the Government, which caused hindrance to the public. Therefore, the aforesaid case in Crime No.391 of 2023 was registered by the respondent Police for the offences punishable under Section 143 of IPC read with Sections 71A(1) and 41(6)(a) of the Tamil Nadu City Police Act.

3.The learned counsel appearing for the petitioner submitted that the facts of the instant case are similar to the facts of the cases in ***Jeevanandham***



and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District reported in *(2018 2 LW (Crl) 606)* and *Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others (Crl.O.P(MD) No.7922 of 2019, decided on 30.08.2019)*, in which the proceedings were quashed. Hence, he prayed to quash the proceedings pending against the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner and others had illegally gathered and raised slogans against the Tamil Nadu State Government demanding issuance of Rs.1,000/- to all the women upon the Welfare Scheme announced by the Government. However, he would also fairly submit that there was no violence or untoward incident and nobody was injured in the said incident.

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

6.In the judgment in Jeevanandham, supra, it has been held that the police has no right to file a case under Section 143 of IPC. In such circumstances, the respondent has no right to register the case and to investigate the matter.



7. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending in respect of the other accused also.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in Crime No.391 of 2023 pending on the file of the respondent/police is hereby quashed, in respect of all the accused.

29-01-2026

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

To

1. The Sub- Inspector of Police,
H-5, New Washermenpet Police Station,
Washermenpet, Chennai.

2. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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A.D.JAGADISH CHANDIRA J.

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