



Crl.OP(MD)No.2157 of 2026

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.02.2026**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CRL OP(MD). No.2157 of 2026**

**and**

**CRL MP(MD). No.2425 of 2026**

S.Kumar

... Petitioner

Vs.

State of Tamilnadu,  
Rep by. the Inspector of Police,  
Sankarankovil Town Police Station,  
Tenkasi District.  
Crime No. 494 of 2025.

... Respondent

**PRAYER :** Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the impugned FIR in Crime No. 494 of 2025 dated 09.06.2025 and to quash the same as against the petitioner is concerned.

For Petitioner : Mr. S.Jaya Vasanthan

For Respondent : Mr.B.Thanga Aravindh  
Government Advocate (Crl.Side)



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## **ORDER**

### ***Preface:***

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashment of the First Information Report in Crime No.494 of 2025, dated 09.06.2025, on the file of the respondent police, insofar as the petitioner / Accused No.3 is concerned.

2. The petitioner has approached this Court with the specific grievance that even on a plain reading of the complaint and the First Information Report, none of the ingredients of the offences alleged against him are made out and that the continuation of the criminal proceedings against him would amount to an abuse of process of law.

### ***Case of the Prosecution:***

3. The prosecution case, as could be seen from the First Information Report, is that on 08.06.2025, at about 10.30 p.m., the



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respondent police received information about unusual activities near Royal Sports Welfare Club situated on Puliyangudi Road.

4. Acting upon the said information, the respondent police proceeded to the place of occurrence. On reaching the spot, it is alleged that four persons, including the present petitioner, were found creating a ruckus in front of the club, thereby causing disturbance to the general public.

5. It is further alleged that when the respondent police questioned and warned them, the said persons abused the police in filthy language and thereafter fled away from the scene.

6. On the basis of the said occurrence, the impugned FIR in Crime No.494 of 2025 came to be registered on 09.06.2025 for the alleged offences under Sections 126(2), 296(b), 132 and 351(3) of the Bharatiya Nyaya Sanhita, 2023.



**Grounds for Quash:**

7. The principal ground urged by the learned counsel for the petitioner is that the allegations in the FIR are wholly vague, omnibus and bereft of any specific overt act as against the petitioner.

8. The learned counsel would submit that the FIR merely speaks about four persons having created disturbance and abused the police, but the role of each accused has not been segregated and no individual act has been attributed to the petitioner.

9. According to the petitioner, in the absence of a clear statement as to what exactly the petitioner had done, what words he uttered, whom he wrongfully restrained, in what manner he used criminal force, and how he intimidated the police, the very substratum of the prosecution case against him is rendered unsustainable.

10. The learned counsel would further contend that for an offence under Section 126(2) of BNS, there must be a clear allegation of wrongful restraint, namely, voluntary obstruction of a person so



as to prevent that person from proceeding in a direction in which he had a right to proceed. In the present case, according to him, there is no allegation as to which particular police officer or member of the public was obstructed and in what manner.

11. Insofar as the allegation under Section 296(b) of BNS is concerned, it is contended that the FIR does not disclose the specific abusive words alleged to have been uttered by the petitioner, nor does it disclose the individual role played by him in uttering any obscene or abusive expressions in a public place.

12. With regard to Section 132 of BNS, the learned counsel would submit that the complaint does not disclose any material to show that the petitioner intentionally used criminal force or assaulted any public servant while such public servant was discharging official duty. The necessary factual foundation for attracting the ingredients of the offence is conspicuously absent.

13. Insofar as Section 351 of BNS is concerned, the learned counsel would submit that mere use of abusive language, even



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assuming it to be true, would not by itself constitute criminal intimidation unless there is a specific threat of injury to person, reputation or property, coupled with intention to cause alarm.

14. In support of the said contention, the learned counsel relied upon the order passed by this Court in Crl.O.P.(MD)No.13023 of 2020, dated 10.06.2022, to contend that unless the threat is specific and intended to cause alarm, the offence of criminal intimidation would not stand attracted.

15. On the above grounds, the petitioner seeks quashment of the FIR insofar as he is concerned.

***Arguments on either side:***

16. The learned counsel for the petitioner reiterated that the FIR is nothing but a mechanical reproduction of bald allegations and that the respondent police have roped in the petitioner without reference to any particular act.



17. He would submit that criminal law cannot be set in motion on the basis of vague collective allegations, especially when the prosecution seeks to invoke penal provisions that require satisfaction of distinct statutory ingredients.

18. He would also submit that the FIR lacks clarity as to whether the petitioner had wrongfully restrained anybody, whether he had used any criminal force, whether he had issued any threat and whether any specific obscene or abusive expression was uttered by him. Therefore, according to him, the continuation of the proceedings would amount to subjecting the petitioner to unnecessary criminal prosecution.

19. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would contend that the FIR contains sufficient allegations to set the criminal law in motion and that the investigation is still at a nascent stage. The learned Government Advocate would submit that the petitioner and the other accused were standing in a public place, creating nuisance and causing disturbance to the public and that when the police attempted to



intervene, they abused the police officials and obstructed them from discharging their lawful duties.

20. He would further submit that at the stage of FIR, meticulous examination of evidence is not warranted and that if the allegations *prima facie* disclose commission of cognizable offences, the investigation ought not to be stifled at the threshold.

21. It is his further submission that the petitioner and the other accused had acted in concert, that their conduct in creating public disturbance and confronting the police is sufficient to attract the offences alleged and that the truth or otherwise of the allegations can be tested only during the course of investigation.

***Point for Consideration:***

22. In the light of the rival submissions, the point that arises for consideration in this Criminal Original Petition is as follows:

Whether the allegations contained in the First Information Report in Crime No.494 of 2025, taken at face value and accepted in their entirety, disclose the



commission of cognizable offences under Sections 126(2), 296(b), 132 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, insofar as the petitioner is concerned, or whether the impugned FIR is liable to be quashed as an abuse of process of law?

***Analysis:***

23. The scope of interference by this Court at the stage of FIR is well settled. While exercising jurisdiction under Section 528 of BNSS, this Court does not embark upon a roving enquiry into the truthfulness of the allegations, nor does it appreciate the evidence as though it were conducting a trial.

24. At the same time, it is equally well settled that if the allegations in the complaint and the FIR, even if taken on their face value, do not constitute the ingredients of the offences alleged, this Court would be justified in exercising its inherent jurisdiction to prevent abuse of process and to secure the ends of justice.



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25. Therefore, the FIR has to be examined to see whether the foundational facts necessary to attract the penal provisions invoked by the respondent police are available.

26. Section 126(2) of BNS deals with wrongful restraint. The essential ingredient of the offence is voluntary obstruction of a person so as to prevent that person from proceeding in a direction in which he has a right to proceed.

27. In the present case, the FIR states that the petitioner and the other accused were creating a ruckus and causing disturbance to the public. However, there is no specific averment as to whom they wrongfully restrained. There is also no indication as to whether any police officer or member of the public was obstructed from proceeding in any particular direction.

28. The absence of such a basic factual assertion assumes significance, because mere presence on the road or mere creation of nuisance, without specific allegation of voluntary obstruction of a particular person, may not by itself satisfy the ingredients of



wrongful restraint. Thus, insofar as the offence under Section 126(2) of BNS is concerned, the FIR does not appear to disclose the necessary factual particulars with clarity.

29. The prosecution would state that when the police warned the accused, they abused the police in filthy language. The learned Government Advocate would submit that the qualifying abusive words are available in the FIR.

30. Even assuming that such allegation is available in the complaint, this Court is of the view that the investigation cannot be short-circuited solely on the ground that all the words uttered by each accused have not been separately attributed at this preliminary stage.

31. The FIR is not expected to be an encyclopedia of all facts. If the allegation broadly discloses that the accused persons, including the petitioner, abused the police in a public place while creating disturbance, the same would warrant investigation.



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32. Whether the actual words used would satisfy the statutory ingredients of the offence, whether they were spoken by all the accused or only by some of them, and whether the petitioner can ultimately be held individually liable, are matters that can be determined only upon collection of materials during investigation. Therefore, this Court is not inclined to hold, at this initial stage, that the allegation under Section 296(b) of BNS is wholly non-existent.

33. The offence under Section 132 of BNS would require material to indicate assault or use of criminal force against a public servant while such public servant is acting in discharge of duty, with intent to deter or prevent such public servant from discharging his duty.

34. In the case on hand, the FIR, as extracted before this Court, primarily states that the accused created disturbance, abused the police and fled away. There is no clear and specific statement as to the petitioner having used criminal force or assaulted any particular police official.



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35. The submission of the learned Government Advocate that gestures were made and that the accused intended to use criminal force may be a matter for investigation. However, the FIR must still contain at least a minimal factual narrative to indicate the nature of the force or assault complained of.

36. In the absence of any clear recital as to the manner in which force was used, or the police officer against whom such force was used, or the act constituting assault, the invocation of Section 132 of BNS appears to be lacking in factual specificity.

37. Hence, insofar as the offence under Section 132 of BNS is concerned, this Court finds that the foundational allegations are deficient.

38. Criminal intimidation necessarily requires a threat of injury to person, reputation or property, coupled with intention to cause alarm to the person threatened.



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39. In the present case, the FIR as narrated before this Court only states that the accused abused the police and fled away. Though the learned Government Advocate submitted that they attempted to pelt stones at the police, the said specific allegation does not find clear expression in the extracted prosecution narrative forming part of the FIR placed before this Court.

40. If there had been a specific threat or any act clearly amounting to intimidation, the same ought to have been stated with sufficient precision. A vague allegation of abuse or obstruction, by itself, cannot automatically be elevated to the offence of criminal intimidation.

41. In the absence of any clear statement as to the words of threat, the nature of the injury threatened, or the intention to cause alarm, this Court is of the view that the ingredients of Section 351(3) of BNS are not made out, at least from the materials presently available.



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42. The next question is whether the FIR insofar as the petitioner is concerned deserves to be quashed in entirety or whether the investigation can still continue for any of the disclosed offences.

43. It is true that the FIR does not attribute a separate and distinct overt act to the petitioner. However, in cases involving group occurrence in a public place, the absence of minute segregation at the stage of FIR cannot, by itself, be a ground to quash the proceedings altogether, if the basic occurrence itself is disclosed.

44. The FIR, at the least, discloses that the petitioner was one among four persons allegedly present at the place of occurrence and involved in creating public disturbance and abusing the police when they attempted to intervene.

45. Therefore, while the allegations may not be sufficient to sustain the offences under Sections 126(2), 132 and 351(3) of BNS, this Court is not persuaded to hold that no offence whatsoever is made out against the petitioner, especially in respect of the allegation of abusive conduct in a public place requiring investigation.



46. At the same time, criminal prosecution cannot be permitted to continue under penal provisions the ingredients of which are not even *prima facie* disclosed in the complaint.

47. Hence, the ends of justice would be met by partially allowing the petition and quashing the FIR insofar as the offences under Sections 126(2), 132 and 351(3) of BNS are concerned, while permitting the investigation to continue with respect to the offence under Section 296(b) of BNS, if otherwise made out in law.

48. Criminal law is undoubtedly a potent instrument in the hands of the State for preservation of public order and discipline. Equally, the invocation of penal provisions must be founded upon allegations satisfying the statutory ingredients of the offences invoked.

49. This Court is conscious of the principle that investigation should not ordinarily be interdicted at the threshold. Yet, when several penal provisions are invoked in a routine manner without the



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necessary foundational facts, the constitutional duty of this Court to prevent abuse of process cannot be abdicated.

50. In the present case, the allegations in the FIR do not *prima facie* disclose the ingredients of the offences under Sections 126(2), 132 and 351(3) of BNS. However, the allegation relating to abusive conduct in a public place cannot be conclusively shut out at this stage.

51. In the result, this Criminal Original Petition is partly allowed on the following terms:

(i) the First Information Report in Crime No.494 of 2025, dated 09.06.2025, on the file of the respondent police is quashed insofar as the offences under Sections 126(2), 132 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 are concerned, as against the petitioner;

(ii) the respondent police is at liberty to proceed with the investigation only in respect of the offence under Section 296(b) of the Bharatiya Nyaya Sanhita, 2023, if the materials collected during investigation so warrant;



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and

(iii) it is made clear that any observation made in this order is only for the purpose of deciding this quash petition and shall not influence the investigation on its own merits with respect to the surviving offence. Consequently, connected miscellaneous petition is closed.

**10.02.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Sml

To

- 1.The Inspector of Police,  
Sankarankovil Town Police Station,  
Tenkasi District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

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