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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CrI.OP.(MD)No.4490 of 2026
and
CrI.M.P(MD)Nos.4777 & 4778 of 2026

Saila

...Petitioner/Accused No.3

Vs

1.State of Tamilnadu,
Rep. by the Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
Crime No.105 of 2023.

...1st Respondent/Complainant

2.Suriya Kumar

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for records relating to the charge sheet in S.T.C.No. 886 of 2025 on the file of the Learned Judicial Magistrate, Aruppukottai, and quash the same.



For Petitioner : M/s.A.Balaji
For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R1

ORDER

The present petition has been filed seeking to quash the charge sheet in S.T.C.No.886 of 2025, on the file of the learned Judicial Magistrate, Aruppukottai. The charge sheet laid by the police arises out of Cr.No.105 of 2023, for the alleged offences under Sections 143 and 341 of the IPC.

2. A perusal of the charge sheet reveals that on 18.12.2023, the petitioner along with 18 others had indulged in road roko, protesting against the inaction on the part of the local authorities for not taking any steps to prevent the floodwater from entering into the streets.

3. According to the learned Counsel appearing for the petitioner, there are no specific overtact as against the petitioner and the allegations are general in nature. The petitioner has also relied upon a decision of this Court in CrI.O.P.(MD)No.21480 of 2025, dated 24.12.2025, wherein the charge sheet on similar set of facts have been quashed.



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4. Paragraph Nos.10 to 12 of the said order are extracted as follows:-

“10. A perusal of the FIR, the statements recorded under Section 161 Cr.P.C., 1973, and the final report reveals that the petitioner has not been attributed with any specific overt act. The inclusion of his name appears only as part of a large assembly of persons. No witness has spoken about the petitioner’s alleged participation or the petitioner indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public. Therefore, the essential ingredients of Sections 143 and 290 IPC are not disclosed.

11. The Hon’ble Supreme Court in State of Haryana v. Bhajan Lal, has held that where the uncontroverted allegations do not disclose the commission of an offence or where the allegations are absurd or inherently improbable, the FIR or charge sheet may be quashed under Section 482 Cr.P.C., 1973.

12. In the present case, the imputation against the petitioner is vague, general and unsupported by any material. Even if the entire charge sheet is accepted as true, no offence under Sections 143 & 290 of IPC is made out against him.”

5. In view of the above said facts, for the forgoing reasons, this Court is of the considered opinion that the continuation of the proceedings in S.T.C.No. 886 of 2025, as against the petitioner is unwarranted, unsustainable and liable to be quashed.

6. Accordingly, this Criminal Original Petition stands allowed. Proceedings in S.T.C.No.886 of 2025 of the learned Judicial Magistrate, Aruppukottai, are quashed in so far as the petitioner is concerned.



Consequently, connected miscellaneous petitions are also closed.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The learned Judicial Magistrate,
Aruppukottai.
2. The Inspector of Police,
Keela Paralachi Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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