



Crl.OP(MD)No.21484 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21484 of 2025

and

Crl.M.P.(MD)No.18489 of 2025

Vinoth Kumar

... Petitioner

Vs.

1. State of Tamilnadu,
Rep by. The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District,
Crime No. 588/2025.

2. The Sub Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the FIR in Cr.No.588 of 2025 on the file of 1st respondent and quash the same as illegal.

For Petitioner : Mr.V.Vishnu

For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)



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ORDER

Preface:

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the First Information Report in Crime No.588 of 2025, dated 27.10.2025, on the file of the first respondent police, registered for the alleged offences under Sections 132 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 353 and 506(ii) of IPC) and Section 25(1A) of the Arms Act, 1959.

2. The petition raises serious allegations of illegal detention, mechanical registration of FIR, abuse of police power, and mala fide invocation of penal provisions, while the respondent State relies upon secret information, seizure of weapon, and the alleged criminal antecedents of the petitioner.

Case of the prosecution:

3. According to the prosecution, on 27.10.2025, based on secret information received by the respondent police, the first respondent along with other police personnel proceeded for patrolling



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duty at Chettipatti Junction on the Trichy–Dindigul National Highway.

4. It is alleged that at about 02.00 p.m., a Toyota Fortuner car bearing Registration No. TN-57-CK-6 was intercepted. The vehicle was allegedly driven rashly and did not stop despite police signals, compelling the police to chase and eventually stop the vehicle. Upon inspection, the police claim to have recovered a long knife concealed beneath the seat, along with four mobile phones and cash of Rs. 1,00,000/-.

5. On enquiry, the petitioner allegedly disclosed that a rival group had planned to attack him and that he had kept the weapon and money to mount a counter-attack and for expenses relating to engaging hired assailants. On the basis of the above allegations, the impugned FIR came to be registered in Crime No.588 of 2025, and the petitioner was arrested.



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Case of the petitioner:

6. The petitioner has categorically denied the prosecution version and asserts that he was illegally taken into custody from his residence at Chennai in the early hours of the same day, even before the alleged time of occurrence. According to the petitioner, the vehicle in question was driven by police personnel, while he was transported in a police van, and the alleged recovery is a planted version, contrary to the factual sequence captured in CCTV footage.

7. The petitioner further contends that on the very same day, another FIR in Crime No.587 of 2025 was registered by the same police station, reflecting a pattern of mechanical and vindictive registration of cases. It is the petitioner's case that the FIR does not disclose the essential ingredients of the alleged offences and that the proceedings are a colourable exercise of power.

Counter of the 1st respondent:

8. The first respondent police filed a detailed counter affidavit opposing the petition. It is stated that the FIR was registered strictly in accordance with law based on credible secret information and



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contemporaneous recovery of weapon and cash. The respondent asserts that after registration of the FIR, investigation was conducted, the spot of occurrence was inspected, and statements of witnesses were recorded under Section 180(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, corroborating the prosecution version.

9. The respondent further brought to the notice of this Court that the petitioner has several previous cases to his credit, including:

- a) Crime No.479 of 2024 – Dindigul Taluk Police Station (BNS offences);
- b) Crime No.329 of 2018 – Town West Police Station (Sections 279 & 337 IPC – disposed);
- c) Crime No.429 of 2024 – Madanapalle Police Station (Section 103 BNS – altered);
- d) Crime No.744 of 2020 – Palani Police Station (Sections 143, 188, 269 IPC & Epidemic Diseases Act – referred).

10. It is stated that the petitioner is a history sheeter, History Sheet No.241 of 2024 dated 26.10.2024, and is involved in serious



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and repeated criminal activities. The respondent contends that a *prima facie* case exists and that a positive final report has already been filed through e-filing, though cognizance is yet to be taken.

Submissions:

11. The learned counsel for the petitioner submitted that criminal antecedents, even if assumed to be true, cannot legitimise an otherwise illegal FIR, nor can they substitute for the absence of statutory ingredients.

12. The learned Government Advocate (Crl. side) contended that the presence of weapon, conduct of the petitioner in attempting to flee, and his criminal background justify continuation of prosecution.

13. Heard the learned counsels on either side and carefully perused the materials available on record.



Point for determination:

14. The point that arises for consideration is whether the continuation of criminal proceedings in Crime No.588 of 2025 is legally sustainable, or whether the FIR is liable to be quashed in exercise of inherent jurisdiction under Section 528 BNSS?

Analysis:

15. The scope of interference under Section 528 BNSS is well settled. While this Court does not ordinarily interfere at the stage of FIR, it is equally settled that where the allegations, even if accepted in entirety, do not disclose the essential ingredients of the offences alleged, judicial intervention is warranted.

16. To attract Section 132 of BNS, there must be clear material to show that the public servant was lawfully discharging official duty and that the accused assaulted or used criminal force to deter such discharge. The FIR, even as amplified by the counter affidavit, does not disclose any specific overt act of assault or criminal force. Mere allegation of the vehicle not stopping or attempting to flee, without more, does not satisfy the statutory threshold.



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17. With regard to Section 25(1A) of the Arms Act, conscious possession is the *sine qua non*. The petitioner's consistent assertion that the vehicle was under police control, coupled with absence of independent corroboration at this stage, renders the allegation legally fragile.

18. Significantly, the reliance placed by the respondent on criminal antecedents and history sheet cannot, in law, cure foundational defects in the FIR. Criminal jurisprudence does not recognise guilt by antecedents. The Hon'ble Supreme Court has consistently held that previous cases cannot be used to sustain a prosecution which otherwise fails on statutory ingredients as laid down in ***State of Haryana v. Bhajan Lal*** ¹.

19. The registration of multiple FIRs on the same day against the petitioner, the allegation of prior illegal detention, and the mechanical invocation of serious penal provisions collectively point towards abuse of the criminal process.

¹ 1992 Supp (1) SCC 335



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20. This Court is of the considered view that the impugned FIR does not disclose the essential ingredients of the offences alleged and that continuation of the proceedings would amount to harassment and misuse of the criminal justice machinery.

21. The power of investigation vested in the police is undoubtedly wide, but it is not unbridled. When criminal law is set in motion on tenuous allegations and mechanical assumptions, constitutional courts are duty-bound to intervene to protect personal liberty and prevent miscarriage of justice.

22. In the result, the Criminal Original Petition is allowed. The FIR in Crime No.588 of 2025 on the file of the first respondent police is quashed. Consequently, the connected miscellaneous petition is closed.

02.01.2026

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



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To

- 1.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul 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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