



Crl.O.P.(MD)No.23846 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.01.2026**

CORAM:

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

Crl.O.P.(MD)No.23846 of 2025

Aravind

... Petitioner

Vs.

1. The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.471 of 2023)

2. Manimaran

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the First Information Report in FIR No. 471 of 2023 on the file of the 1st respondent police station and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.S.Arjun

For Respondents : Mr.M.Sakthi Kumar (R1)

Government Advocate (Crl.)



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ORDER

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The petitioner seeks for quash of the FIR in Crime No.471 of 2023 on the file of the first respondent police for the offence punishable under Section 151 Cr.P.C.

2. The learned counsel appearing for the petitioner placed reliance on an order of this Court in Crl.O.P. No.17302 of 2019 dated 03.07.2019, wherein the FIR was quashed by allowing the petition, and on that basis, he sought similar relief for the present petitioner as well.

3. This Court, vide order dated 03.07.2019 passed in Crl.O.P. No.17302 of 2019 referred to an earlier order of this Court dated 23.04.2019 in Crl.OP(MD)No.5263 of 2019, wherein it was held that as Section 151 Cr.P.C., is not a penal provision, no case can be registered and on expiry of 24 hours, the proceeding dies on its own. The relevant portion of the order reads as follows:-

"3. This Court already had an occasion to consider the very same issue and had quashed the proceedings in Crl.O.P.(MD).No. 5263 of 2019 by an order dated 23.04.2019. The relevant portions of the order is extracted hereunder:

"3. The learned counsel for the petitioners submitted that the petitioners herein are the part of the Association of



Government Employees and they are alleged to have participated in an agitation demanding certain benefits from the Government and the case under Section 151 of Cr.P.C., came to be registered. He added that Section 151 of Cr.P.C., is not a penal provision, but it only enables preventive detention for a period not exceeding 24 hours when the Police Officer comes to know of a design to commit any cognizable offence by anybody and enable the Police Officer to arrest the person so designing without warrant.

4. There is merit in the submissions of the learned counsel for the petitioners. Section 151 of Cr.P.C., reads under:

"(1) A police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

2) No person arrested under sub-section (1) shall be detailed in custody for a period exceeding twenty-four hours from the time of his arrest unless his further detention is required or authorised under any other provisions of this Code or of any other law for the time being in force."

5. As rightly argued, this provision only enables preventive detention for a period of not exceeding 24 hours subject to the condition that if the Police Officer has come to know that the persons to be detained under the said provision have design to commit any cognizable offences, and arresting them after obtaining necessary orders from the Magistrate under warrant is not feasible.

6. Inasmuch as Section 151 Cr.P.C., is not a penal provision, no case can be registered. Secondly on the expiry of 24 hours the proceeding dies on its own.

7. Seen from whichever angle, nothing can be justified to the continuous existing of the FIR in Crime No. 326 of 2018 and it is liable to be quashed. accordingly FIR in Crime Nos.326 of 2018 is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed".

4. The above order will squarely apply to the facts of the



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present case.

5. In the result, the FIR in Cr.No.1003 of 2018, is hereby quashed and accordingly this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.”

4. Fully fortified by the aforesaid orders, the FIR in Crime No.471 of 2023 on the file of the first respondent police is hereby quashed and accordingly, this criminal original petition stands allowed.

05.01.2026

NCC : Yes / No
Index : Yes / No
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TO:-

WEB COPY

1. The Inspector of Police,
Natham Police Station,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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L.VICTORIA GOWRI, J.

Sm

Order made in
Crl.O.P.(MD)No.23846 of 2025

Dated
05.01.2026