



Crl.OP(MD)No.23862 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.23862 of 2025

and

Crl.M.P.(MD)No.20713 of 2025

Ajith Pandian

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
Crime No.312 of 2025.

2. M. Sivaprakasam

... Respondents

PRAYER: Petition filed under Section 528 of BNSS, 2023 to call for the records relating to the impugned FIR in Crime No.312 of 2025 on the file of the respondent police dated 27.10.2025 and to quash the same.

For Petitioner : Mr.V.Malaiyendran

For R-1 : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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.312 of 2025 registered by the first respondent police.

2. The petitioner seeks to contend that the allegations made in the FIR are exaggerated and do not disclose any offence warranting investigation, and therefore, prays for interference by this Court.

Case of the Prosecution:

3. The case of the prosecution, as could be gathered from the FIR, is that on 27.10.2025 at about 14:55 hours, during the celebration of the Marudhu Pandiyar Guru Pooja Festival, the petitioner, who was the owner-cum-driver of a Honda City car bearing Registration No.TN-10-AZ-7789, drove the vehicle in a rash and negligent manner.



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4. It is further alleged that several individuals were seated on the roof of the said vehicle while it was being driven at a high speed, thereby causing danger to human life, inconvenience to the general public, and obstruction to traffic movement. On the basis of the said allegations, the respondent police registered a case in Crime No.312 of 2025 for the offences punishable under Sections 270, 281, and 285 of the Bharatiya Nyaya Sanhita, 2023.

Grounds for Quash:

5. The petitioner has approached this Court mainly on the following grounds:

- (i) That no actual annoyance, injury, or damage was caused to any member of the public;
- (ii) That the petitioner had driven the vehicle cautiously and only for the purpose of participating in the festival;
- (iii) That the allegations are baseless and do not constitute the ingredients of the offences alleged;
- (iv) That the continuation of the investigation would amount to abuse of process of law.



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Arguments on Either Side:

6. The learned counsel for the petitioner reiterated that the petitioner had not indulged in any rash or negligent act and that the FIR has been registered without proper application of mind. It was further submitted that mere participation in a public function cannot be criminalised in the absence of any overt act causing harm or danger.

7. Per contra, the learned Additional Public Prosecutor appearing for the State strongly opposed the petition and placed reliance on the materials collected during the preliminary stage of investigation. A photograph of the vehicle involved in the occurrence was also produced before this Court to substantiate the allegations.

Point for Consideration:

8. The point that arises for consideration in this petition is whether the FIR in Crime No.312 of 2025 warrants interference under Section 528 of BNSS, 2023, at the threshold stage?



Analysis:

9. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

10. It is well settled that the power of quashment under Section 528 of BNSS is to be exercised sparingly and with great caution, only in cases where the allegations in the FIR do not disclose any cognizable offence or where the proceedings are manifestly attended with mala fides.

11. In the present case, the photograph produced by the prosecution clearly depicts a vehicle in motion with several individuals seated on its roof. Such an act, by its very nature, poses a serious threat to public safety and is inherently hazardous.

12. The act of permitting persons to sit on the roof of a moving vehicle, coupled with allegations of high-speed driving, *prima facie* satisfies the ingredients of rash and negligent conduct endangering human life.



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13. The contention of the petitioner that no actual harm was caused cannot be accepted at this stage. It is not necessary that an offence under the relevant provisions should result in actual injury, but the mere act of endangering life or safety is sufficient to attract penal consequences.

14. This Court is also constrained to observe that during public celebrations, particularly those involving large gatherings, such irresponsible conduct has unfortunately become frequent. In the guise of celebration, public roads are often misused, thereby jeopardising the safety of others.

15. The police authorities grant permission for participation in such events subject to certain conditions. Any deviation from such conditions, especially those affecting public safety, must be dealt with sternly.

16. At this stage, this Court does not find any valid ground to stifle the investigation. The allegations in the FIR, coupled with the



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material produced, disclose a *prima facie* case requiring thorough investigation.

17. This Court reiterates that celebration of great leaders and patriots must be carried out with dignity and discipline. Acts that endanger public safety under the guise of celebration cannot be tolerated and must be curbed effectively.

18. The inherent powers of this Court cannot be invoked to shield conduct that *prima facie* appears to be reckless and hazardous.

19. In view of the foregoing discussion, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petition is closed.

05.01.2026

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



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To

1. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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