



Crl.O.P.(MD)No.23751 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **02.01.2026**

CORAM:

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

Crl.O.P.(MD)No.23751 of 2025

and

Crl.M.P(MD) Nos.20602 and 20604 of 2025

Kamatchi

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(Crime No.451 of 2025)

2.R.Jeyakannan

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the entire relevant records related to the impugned FIR in Crime No.541 of 2025 dated 27.10.2025 on the file of the first respondent police and quash the same as illegal against the petitioner.

For Petitioners : Mr.R.Senthilkumar



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For R1

: Mr.M.Sakthi Kumar
Government Advocate(crl.side)

ORDER

This criminal original petition has been filed seeking to quash the impugned FIR in Crime No.541 of 2025, dated 27.10.2025, on the file of the first respondent police, which was registered for the offences under Sections 270, 281 and 285 of BNS.

2.The case of the prosecution is that on 27.10.2025, at about 2:10 PM, the petitioner drove a Maruti Swift vehicle bearing Registration No.TN-63-BS-7189, along with some other persons to attend Maruthupandiyar Guru Poojai in a rash and negligent manner and created trouble to traffic and the general public by dancing in the road and travelling by sitting on top of the car. In this regard, a first information report came to be registered.

3.The learned counsel for the petitioner submitted that the police had registered the said case only for statistical purposes and a careful reading of the first information report itself would reveal that the offences under Sections 270, 281 and 285 of BNS will not be made out.



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4.Per contra, the learned Government Advocate(crl.side) appearing for the respondent police submitted that the investigation in this case has been completed and a final report has already been filed, which has been taken on file by the learned Judicial Magistrate No.I, Sivagangai in S.T.C.No.1666 of 2025 and therefore, sought for dismissal of this petition.

5.The learned counsel for the petitioner relying upon the judgment of the Honourable Supreme Court in ***Anukul Singh Vs. State of Uttar Pradesh and another*** in Crl.A.No.4250 of 2020, dated 24.09.2020 submitted that the jurisdiction of this Court under Section 482 Cr.P.C is not confined to the stage of the FIR and can be exercised even after the filing of a chargesheet to prevent abuse of the process of law. The learned counsel for the petitioner further pointed out that the registration of the First Information report itself constitutes a clear case of abuse of process of law, as the FIR does not disclose the commission of the offences for which the petitioner has been charged.



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

7.A careful reading of the FIR would reveal that on 27.10.2025, the petitioner along with certain other persons had driven a vehicle fastly and carelessly by allowing some persons to sit on top of the car and caused public nuisance.

8. The offence under Section 270 of BNS defines public nuisance and the same is extracted as follows:-

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right but a common nuisance is not excused on the ground that it causes some convenience or advantage.



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9.Only when a person is guilty of having caused any common injury, danger or annoyance to the public or to the people in general who dwell in a particular vicinity, the offence under Section 270 of BNS would be made out. However, a careful reading of the FIR would reveal that no public had lodged any complaint of having been annoyed by the behaviour of the petitioner and his friends.

10.As far as the offence under Section 281 of BNS is concerned, the same is with respect to rash driving or riding on the public way. However, the First Information Report is conspicuously silent as to the speed with which the vehicle was driven by the petitioner.

11.As far as offence under Section 285 of BNS is concerned, the same is with respect to causing danger or obstruction in a public way or line of navigation. However, the FIR has not revealed any danger or obstruction whatever had been caused by the petitioner.



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12.In view of the above, this Court is of the considered opinion that further allowing the matter to proceed before the trial Court would amount to a sheer abuse of process of law. Considering the fact that this Court can invoke its inherent jurisdiction under Section 482 of Cr.P.C, the impugned FIR in Crime No.541 of 2025 is hereby quashed, despite the same has culminated in filing a final report in S.T.C.No.1666 of 2025, before the learned Judicial Magistrate No.I, Sivagangai. Consequently, the final report is also quashed.

13.Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

02.01.2026

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

- 1.The Judicial Magistrate No.I, Sivagangai.
- 2.The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

cp

Order made in
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