



Crl.OP(MD)No.1276 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

CORAM

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

Crl.O.P.(MD).No.1276 of 2026
and Crl.M.P(MD).No.1331 of 2026

1.Esakkimuthu
2.Arun
3.Uikkattan
4.Pechimuthu
5.Ayiram
6.Subramanian
7.Duraimurugan
8.Karuthapandi
9.Esakki babus

...Petitioners

Vs.

The State of Tamil Nadu,
rep., by the Inspector of Police,
Thiruchendur Temple Police Station,
Thoothukudi District.
Crime No.155 of 2024

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records impugned FIR in Crime No.155 of 2024 on the file of the respondent police and quash the same as against the petitioner concerned.



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For PetitionerS : Mr.V.M.Jegadeesha Pandian
For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking quashment of FIR in Crime No.155 of 2024 on the file of the respondent police, this criminal original petition is filed.

2.The learned counsel for the petitioners submitted that all the petitioners herein are the accused Nos. 1 to 9 in the said crime. The case of the prosecution is that the petitioners have caused nuisance to the general public at Puliyadi Mariamman Temple, Sannathi Street, Tiruchendur and had uttered filthy language against the public, thereby caused public nuisance. Despite the warning of the respondent police, they have continued to misbehave in the public, following which, First Information Report in Crime No.155 of 2024 came to be registered for the offence under Sections 293 of BNS. He further submitted that the petitioners had never ever indulged in any such illegal activity. In fact, the



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first information report registered as against the petitioners have not been even sent to the learned Judicial Magistrate, Tiruchendur. The offence alleged is a trivial one, which attracts a punishment of only six months' imprisonment. The offence under Section 293 of the Bharatiya Nyaya Sanhita also provides for punishment of simple imprisonment for a term which may extend up to six months or with fine, or with both. Hence, the FIR is barred by limitation under Section 514 of the Bharatiya Nagarik Suraksha Sanhita from taking cognizance after the lapse of the prescribed period, and therefore, the petitioner seeks quashment of the FIR.

3. Per contra, the learned Additional Public Prosecutor categorically submitted that already investigation is over and charge sheet is made ready and the same is yet to be filed. Since one of the accused is a juvenile, the delay had occurred in the process of obtaining his school certificate for the purpose of proving his age. That apart, he pointed out that the miscreants had created public nuisance on the eve of Devar Jeyanthi and that it is the habitual practice of the petitioners to indulge in such acts repeatedly during every public function in the locality. He categorically contended



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that they should not be shown any leniency. He further submitted that the proper application seeking permission for condonation of delay under Section 519 of the Bharatiya Nagarik Suraksha Sanhita has to be filed before the learned Judicial Magistrate at the time of filing the charge sheet, and it is for the learned Judicial Magistrate to consider whether such delay deserves to be condoned. He also contended that the claims made in the present petition are wholly false and that all the accused persons were arrested and subsequently released.

4.Heard the submission on either side and carefully perused the material available on record .

5.This Court upon careful perusal of the records finds that all the petitioners are youngsters, who are in nearly 20's and in their teens and one among them as rightly pointed out by the learned Additional Public Prosecutor is juvenile. Under such circumstances, strictly warning the petitioners, this Court is of the considered view that the petitioners'



activities can be condoned by considering their behaviour as act causing slight harm under Section 33 of BNSS 2023.

6. Section 33 of BNSS is extracted as follows.

“33. (1) Every person, aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Bharatiya Nyaya Sanhita, 2023, namely:—

- (i) sections 145 to 152 and section 156;
- (ii) sections 187 and 189;
- (iii) sections 272 to 278;
- (iv) sections 101, 102 and 103;
- (v) section 138;
- (vi) section 305;
- (vii) sections 307 to 311;
- (viii) section 314;
- (ix) sections 322 to 326; (x) section 330; (xi) section 329; and
- (xii) sections 176 to 180, shall, in the absence of any reasonable excuse, the burden of proving which excuse shall lie upon the person so aware, forthwith give information to the nearest Magistrate or police officer of such commission or intention.

(2) For the purposes of this section, the term "offence" includes any act committed at any place out of India which would constitute an offence if committed in India. “



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7. Since the complaint is not lodged by any common public, the benefit of Section 33 BNSS could be given to the petitioners. However, it is made clear that the petitioners should not indulge in any criminal activity in future. Accordingly, the impugned FIR in Crime No.155 of 2024 is quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

23.01.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

1. The Inspector of Police,
Thiruchendur Temple Police Station,
Thoothukudi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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