



Crl.OP(MD)No.2792 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2792 of 2026

and

Crl.M.P.(MD)Nos.3094 and 3095 of 2026

1. Pitchai
2. Sivakumar
3. Raj Babu
4. Durai Muruganantham @ Murugan
5. Pradeep
6. Mukilan ... Petitioner/Accused

Vs.

1. The State of Tamilnadu,
Rep by. the Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.
Crime No.151/2021
.... Respondent / Complainant
2. Karthick
.... Respondent /
Defacto Complainant



Cri.OP(MD)No.2792 of 2026

Prayer: Criminal Original Petition is filed under Section 528 of BNS, 2023, to call for the entire records connection with case in C.C.No.698 of 2025 on the file of the learned Judicial Magistrate Court, Pattukottai and quash the same as against the petitioner.

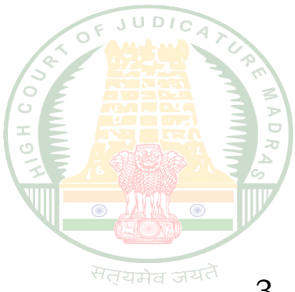
For Petitioners : Mr.Niranjan S.Kumar
For R-1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

This Criminal Original Petition has been filed to call for the entire records connection with case in C.C.No.698 of 2025 on the file of the learned Judicial Magistrate Court, Pattukottai and quash the same as against the petitioner.

Case of the prosecution:

2. The prosecution case, in brief, is that the second respondent/*de facto* complainant was serving as Sub-Inspector of Police attached to Vattathikkottai Police Station, Thanjavur District, and was deputed for election security duty in connection with the 2021 Tamil Nadu Legislative Assembly Elections.



Cri.OP(MD)No.2792 of 2026

WEB COPY

3. According to the prosecution, on 06.04.2021 at about 6.00 p.m., while the *de facto* complainant was on duty near Kadhar Mohideen Boys School, Athiramapattinam, the petitioners entered within the prohibited 100-meter radius of the polling booth and canvassed voters.

4. It is alleged that when the *de facto* complainant directed the petitioners to move beyond the restricted zone, they threatened him with dire consequences and thereby obstructed him from discharging official duties. Based on the complaint lodged by the second respondent, FIR in Crime No.151 of 2021 came to be registered for offences under Sections 147, 294(b), 353 and 506(i) IPC and Sections 130 and 132 of the Representation of the People Act, 1951. After investigation, the respondent police filed a final report before the learned Judicial Magistrate, Pattukottai, which was taken on file in C.C.No.698 of 2025.

Case of the petitioners:

5. The petitioners would contend that the entire occurrence is fabricated and politically motivated. According to them, they have



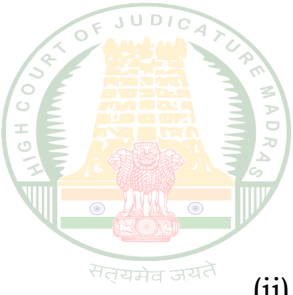
Cri.OP(MD)No.2792 of 2026

been falsely implicated owing to their affiliation with an opposition political party and the prosecution has been engineered at the behest of ruling party elements.

6. The learned counsel for the petitioners would submit that no independent witness has been cited though the alleged occurrence is said to have taken place in a crowded polling environment. All the witnesses cited in the final report are police personnel belonging to the very same station. It is further contended that no voter, no polling official and not even the Presiding Officer has lodged any complaint alleging disruption of polling or obstruction to voters. The learned counsel would further submit that the observation mahazar itself is fundamentally defective since it does not indicate the reference point from which the alleged 100-meter prohibited zone was measured.

7. The petitioners would also assail the ingredients of each penal provision separately by contending:

(i) no unlawful assembly or rioting is made out under Section 147 IPC;



WEB COPY

(ii) no obscene words are specifically stated so as to attract Section 294(b) IPC;

(iii) no criminal force or assault is alleged for Section 353 IPC;

(iv) no intentional alarm is alleged for Section 506(i) IPC; and

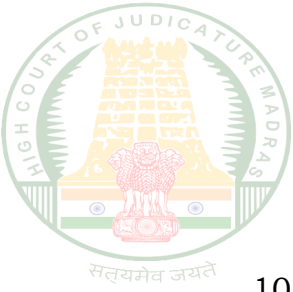
(v) the ingredients of Sections 130 and 132 of the Representation of the People Act are conspicuously absent.

8. Heavy reliance was placed upon the celebrated judgment in ***State of Haryana v. Bhajan Lal***¹ and several decisions of this Court dealing with Sections 294(b), 353 and 506(i) IPC.

Submissions of the state:

9. Per contra, the learned Government Advocate (Criminal Side) would submit that the allegations disclose cognizable offences and the truthfulness or otherwise of the accusations cannot be examined in a petition under Section 528 BNSS. The learned Government Advocate would contend that election-related offences have serious ramifications upon democratic functioning and therefore the petitioners cannot seek premature termination of the prosecution.

¹ 1992 Supp(1) SCC 335



Cri.OP(MD)No.2792 of 2026

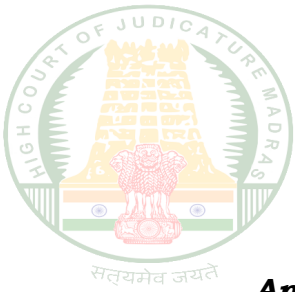
WEB COPY

10. It was further argued that the statements recorded under Section 161 Cr.P.C., 1973, disclose that the petitioners were canvassing voters within the prohibited radius and had threatened the police officer when questioned. According to the prosecution, the question whether the petitioners were actually present within the prohibited zone and whether the acts attributed to them amount to criminal offences are matters to be adjudicated only during trial upon appreciation of evidence.

Points for consideration:

11. The following points arise for consideration in this petition:

- (i) Whether the allegations in the FIR and final report disclose the ingredients of the offences alleged against the petitioners?
- (ii) Whether the continuation of prosecution in C.C.No.698 of 2025 would amount to abuse of process of Court?
- (iii) Whether this Court ought to exercise its inherent jurisdiction under Section 528 BNSS to quash the proceedings?



Analysis:

WEB COPY

12. The principles governing exercise of inherent powers are too well settled to require reiteration. The power is extraordinary, but where the allegations even if accepted in entirety fail to disclose any offence, the Court would be justified in preventing abuse of process. The law laid down in **State of Haryana v. Bhajan Lal**² continues to remain the guiding beacon. One of the categories recognised therein is where the allegations in the FIR and accompanying materials do not *prima facie* constitute any offence.

13. This Court is conscious that meticulous appreciation of evidence is impermissible at the quash stage. However, when the foundational ingredients themselves are absent, compelling the accused to undergo the ordeal of criminal trial would itself become injustice.

14. To constitute an offence under Section 147 IPC, there must first exist an unlawful assembly as defined under Section 141 IPC and the assembly must have used force or violence in prosecution of a common object. In the case on hand, the prosecution merely

² 1992 Supp(1) SCC 335

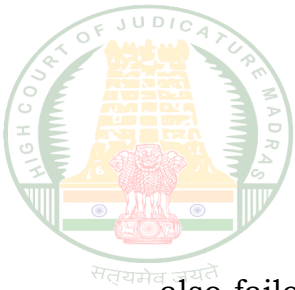


Cri.OP(MD)No.2792 of 2026

alleges that the petitioners were canvassing voters near the polling booth. There is absolutely no allegation of violence, force, assault or destructive conduct.

15. Mere presence of multiple individuals at the place of occurrence cannot automatically transform the gathering into an unlawful assembly. Political canvassing, even if improper within a restricted electoral zone, would not *ipso facto* constitute rioting unless accompanied by force or violence. The final report is conspicuously silent regarding any overt act constituting use of force or violence. Hence, the essential ingredients of Section 147 IPC are conspicuously absent.

16. The law regarding Section 294(b) IPC is no longer *res integra*. Mere utterance of abusive language is insufficient unless the prosecution specifically states the obscene words used and further demonstrates annoyance caused to others. In the present case, neither the FIR nor the final report mentions the exact words allegedly uttered by the petitioners. Equally absent is any allegation that any member of the public was annoyed. The prosecution has



Cri.OP(MD)No.2792 of 2026

also failed to cite even a single independent voter as witness to such alleged utterances. The offence under Section 294(b) IPC therefore cannot stand.

17. Section 353 IPC requires assault or use of criminal force against a public servant with intent to deter him from discharging official duties. The Supreme Court in **Manik Taneja v. State of Karnataka**³ categorically held that mere verbal altercation or expression without criminal force would not attract Section 353 IPC.

18. In the present case, the prosecution does not allege that the petitioners assaulted the *de facto* complainant or used criminal force against him. There is no allegation of physical contact, pushing, manhandling or any act amounting to assault. The allegations, even if accepted in entirety, only indicate verbal protest or resistance. Such allegations fall woefully short of the statutory threshold required under Section 353 IPC.

19. Criminal intimidation under Section 503 IPC requires threat coupled with intention to cause alarm. The FIR merely states

³ 2015 7 SCC 423



Cri.OP(MD)No.2792 of 2026

that the petitioners threatened the police officer with dire consequences. No specific words are stated. No circumstance suggesting actual alarm or intimidation is disclosed.

20. The Supreme Court in ***Manik Taneja v. State of Karnataka***⁴ held that mere expression of words without intention to cause alarm would not attract criminal intimidation. This Court finds that the allegations are omnibus, vague and lacking in particulars. Consequently, the ingredients of Section 506(i) IPC are not made out.

21. The gravamen of the prosecution is that the petitioners canvassed voters within 100 meters of the polling station. However, the observation mahazar does not specify from where the 100-meter radius was measured. It does not indicate whether measurement was taken from the entrance, boundary or polling room.

22. More importantly, the prosecution has not examined the Presiding Officer or any polling official though they would be the most competent witnesses regarding polling disruptions. No voter

⁴ 2015 7 SCC 423



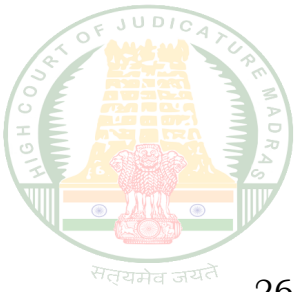
Cri.OP(MD)No.2792 of 2026

has complained of intimidation or obstruction. No video footage or contemporaneous election material has been produced.

23. The entire prosecution therefore rests solely upon interested police witnesses without independent corroboration. While absence of independent witnesses may not always be fatal, in election-related prosecutions occurring in crowded public spaces, the total absence of neutral testimony assumes great significance.

24. This Court also notices that the allegations, even if accepted, appear to disclose at best a minor election-time commotion occurring in the heat of political activity without any actual disruption of polling. The ratio laid down by this Court in cases concerning trivial election-time altercations would squarely apply to the present facts.

25. Courts must remain vigilant against criminal law being employed as a weapon of political retaliation. Though political rivalry by itself cannot justify quashing, the Court cannot ignore glaring investigative deficiencies.



Cri.OP(MD)No.2792 of 2026

WEB COPY

26. The investigation in the present case suffers from serious infirmities:

- (i) absence of independent witnesses;
- (ii) absence of Presiding Officer testimony;
- (iii) absence of material particulars;
- (iv) absence of proof regarding the 100-meter restriction; and
- (v) absence of ingredients constituting the offences alleged.

27. Criminal prosecution cannot be permitted to continue merely on vague and generalized allegations unsupported by foundational facts. Subjecting the petitioners to prolonged criminal trial in such circumstances would amount to abuse of process and unnecessary harassment.

Epilogue:

28. Democracy undoubtedly demands strict adherence to electoral discipline. Yet, criminal law cannot be stretched to convert every election-time disagreement into a full-fledged criminal prosecution bereft of statutory ingredients. Courts are guardians not only against crime but equally against misuse of criminal process.



Cri.OP(MD)No.2792 of 2026

The inherent jurisdiction preserved under Section 528 BNSS exists precisely to prevent such misuse and to secure the ends of justice.

29. In the considered view of this Court, the allegations contained in the FIR and final report, even if accepted in entirety, fail to satisfy the essential ingredients of the offences alleged against the petitioners. This Court is therefore satisfied that the present case squarely falls within the parameters laid down in **State of Haryana v. Bhajan Lal**⁵ warranting interference.

30. Accordingly, this Criminal Original Petition stands allowed and the proceedings in C.C.No.698 of 2025 on the file of the learned Judicial Magistrate, Pattukottai, arising out of Crime No.151 of 2021 on the file of the respondent police are hereby quashed as against the petitioners. Consequently, connected miscellaneous petitions are closed.

01.06.2026

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

5 1992 Supp(1) SCC 335

13/15

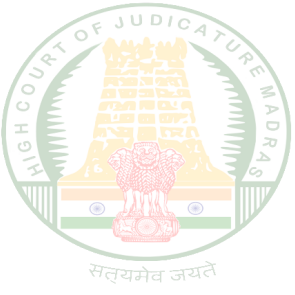


Cri.OP(MD)No.2792 of 2026

To

WEB COPY

- 1.The Judicial Magistrate Court,
Pattukottai.
- 2.The Inspector of Police,
Athiramapattinam Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Cri.OP(MD)No.2792 of 2026

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.2792 of 2026

01.06.2026