

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

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Crl.O.P.No.9632 of 2026 & CRL MP No.6830 of 2026

Balaji, S/o.Govindaraj,
No.4/485, 3rd Street, Annai Indra Nagar,
Old Perungalathur, Chennai-600 063.

..Petitioner(s)

Vs

1. State rep.by, Inspector of Police,
Peerankaranai Police Station,
Tambaram, Chennai-600 063.
2. Devaraj Manikkam
No.4/483, 3rd Street, Annai Indra Nagar,
Old Perungalathur, Chennai-600 063.

..Respondent(s)

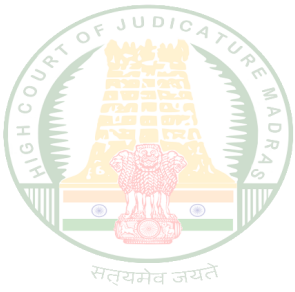
Prayer : Criminal Original Petition filed under section 528 of BNSS to quash the further proceedings in STC No.1890 of 2025 pending on the file of Honble Judicial Magistrate No.I, Tambaram pending disposal of the present for quash.

For Petitioner(s):

Mr.Ashwinkumar A.

For Respondent(s):

Mr.R.Ganesh Kumar,
Counsel for Government of Tamilnadu
[Criminal Side] for R1



ORDER

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This Criminal Original Petition has been filed to quash the proceedings in STC No.1890 of 2025 for the offence under section 11 (1) (a) of the Prevention of Cruelty to Animals Act pending on the file of Honble Judicial Magistrate No.I, Tambaram.

2. On the complaint lodged by the second respondent, the first respondent had registered a case in Crime No.404 of 2024 for the offence under section 11 (1) (a) of the Prevention of Cruelty to Animals Act alleging that the second respondent is having a pet dog and the petitioner pelted stone on the dog. After completion of investigation, the respondent has filed the final report and the same has been taken cognizance by the learned Magistrate in STC.No.1890 of 2025.

3. A perusal of records reveal that the petitioner and the second respondent are neighbours and the second respondent is having a pet dog and there was previous enmity between the petitioner and the second respondent. Therefore, when the petitioner was walking in the street, the second respondent with malicious intention, will drive the dog to bite the petitioner and the dog also bit the petitioner's leg and caused severe injuries. Therefore, the petitioner had lodged a complaint and the same was registered by the first respondent in



Crime No.403 of 2024 for the offence under section 291 of BNS as against the second respondent. Therefore the present proceedings is nothing but a counter blast to the complaint lodged by the petitioner in Crime No.403 of 2024. That apart, offence under section 11 (1) (a) of the Prevention of Cruelty to Animals Act is a non cognizance offence and maximum punishment for the offence is fine of Rs.10/- which may be extend to Rs.50/-. Therefore, even before registration of the First Information Report, the first respondent ought to have obtained necessary permission as contemplated under section 174(2) of BNSS and without obtaining prior permission, the first respondent had registered the First Information Report and also completed the investigation and filed the final report and the trial Court also without noticing the same, mechanically took cognizance and issued summons to the petitioner.

4. It is relevant to extract Section 11(1)(a) of the Prevention of Cruelty which reads as follows :

11. *Treating animals cruelly. –*

(1) If any person—(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated; or

(b) employs in any work or labour or for any purpose any animal which, by reason of its age or any disease, infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to any animal or wilfully and



unreasonably causes or attempts to cause any such drug or substance to be taken by any animal; or

(d)conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e)keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f)keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g)being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or

(h)being the owner of any animal, fails to provide such animal with sufficient food, drink or shelter; or(i)without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j)wilfully permits any animal, of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k)offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(l)mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or;

m) solely with a view to providing entertainment—

(i)confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii)incites any animal to fight or bait any other animal; or(n)organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or



(o)promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

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he shall be punishable, in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.

Therefore, as per the above section if any person beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated he shall be punishable with a fine which shall not be less than ten rupees but which may extend to fifty rupees.

5. Further, though the second respondent had lodged a complaint alleging that the petitioner pelted stone against his dog, there is no piece of evidence produced to show that the dog sustained any injury. On the other hand, the petitioner had lodged a complaint with all medical records/photographs to substantiate that he was bitten by the dog. Further as per section 31 of the Prevention of Cruelty to Animals Act, offence under section 11 (1) (a) of the Act, it is a non cognizable offence. Therefore, the first respondent ought to have obtained prior permission to register the First Information Report for registration of non cognizable offence from the jurisdictional Court. However, the first respondent failed to do so. In view of the same, entire proceedings is



nothing but a clear abuse of a process of law and the same is liable to be quashed.

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6. Accordingly, this Criminal Original Petition is allowed and proceedings in STC.No.1890 of 2025 pending before the learned Judicial Magistrate No.I, Tambaram is hereby quashed. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

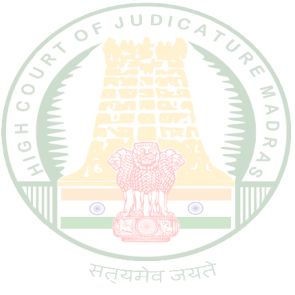
Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

1. The Judicial Magistrate No.I,
Tambaram.
2. The Inspector of Police,
Peerankaranai Police Station,
Tambaram,
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

vrc

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