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Order QR

Crl.O.P.No.25683 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.25683 of 2026
and Crl.M.P.No.17022 of 2026

CNR: {HCMA012053922026}

Chandirasekar
S/o.Ragupathy,
No.9/1, Sivan Koil,
Sannathi Street,
Palakarai, Thuraiyur,
Tiruchirappalli - 621010.



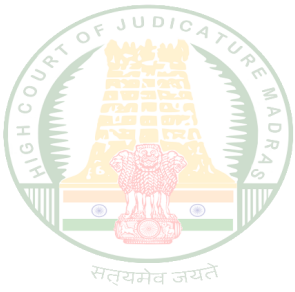
Case QR

..Petitioner(s)

Vs

1. The State Represented by
The Inspector of Police
R5, Virugambakkam Police Station,
Chennai.
2. The Assistant Foreigners Regional Registration
Officer,
No.26, Sasthri Bhavan,
Haddows Road,
Assistant Foreigners Regional Registration
Officer,
Egmore Taluk, Chennai - 600 006.

..Respondent(s)



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PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to FIR in Crime No.306 of 2026 dated 13.05.2026 on the file of the Inspector of Police, R5 Virugambakkam Police Station, Chennai registered for the alleged offences under sections 172, 318(2), 337 of the BNS,2023 r/w section 31 of the Representation of the People act, and Quash the same.

For Petitioner(s): Mr. Vikram Veerasamy B

For Respondent(s): Mr. M.Dinesh
Government Advocate (Criminal Side) for R1

ORDER

This petition has been filed to quash the FIR in Crime No.306 of 2026 dated 13.05.2026 on the file of the first respondent registered for the offences punishable under Sections 172, 318(2), 337 of the Bharatiya Nyaya Sanhita 2023 r/w Section 31 of the Representation of the People Act, as against the petitioners.

2. The case of the prosecution is that the petitioner is an Australian citizen and holds an Australian passport. The petitioner is also an Overseas Citizen of India (hereinafter referred to as “OCI”) cardholder, and his parents are Indian citizens. After surrendering his Indian passport, he obtained an



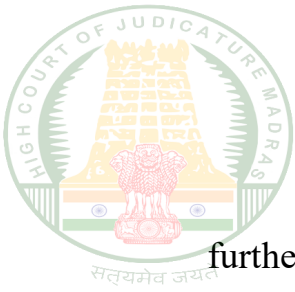
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Australian passport and also obtained an OCI card. He arrived in India on 17.03.2026 and proposed to depart from India on 13.05.2026. He also has a Voter ID card from the Erode Constituency, and he had cast his vote in the Tamil Nadu General Assembly election held in the year 2026 at Avichi Higher Secondary School, Arcot Road, Saligramam, Chennai, in the 22-Virugambakkam Assembly Constituency in South Chennai. On the said allegation the second respondent lodged complaint. On receipt of the same, the first respondent registered an FIR in Crime No. 306 of 2026 and the investigation is now pending.

3. The learned counsel appearing for the petitioner submits the petitioner is an Australian citizen and holds an Australian passport. He also possesses an OCI card and, accordingly, can visit India at any point in time and stay in India without any limitation. He arrived in India on 17.03.2026 for the purpose of visiting his sister's residence at Trichy. On 13.05.2026, while he was about to depart from Chennai International Airport for Australia, during the course of immigration, the immigration officer noticed traces of indelible ink on his left index finger. Therefore, they themselves assumed that he had cast his vote in Tamil Nadu and, since the petitioner is an Australian citizen, he is not permitted to vote in India, even though he possessed an OCI card. He

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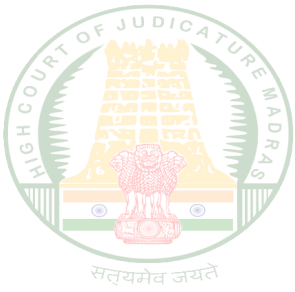
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further submits that, on the date of the alleged casting of the vote, i.e., on 23.04.2026, the petitioner was very much present at his sister's house at No. 9, Sivan Koil Sannathi Street, Palakarai, Trichy, Tamil Nadu. In order to substantiate the same, the petitioner also possesses CCTV footage. Hence, he prayed to allow this petition.

4. Heard the learned counsel appearing on either side and also perused the materials placed before this Court.

5. On perusal of the counter affidavit and also on the submissions made by the learned counsel on either side it is revealed that, the petitioner possessed a Voter ID card for the Erode Constituency. However, the allegation is that he had cast his vote in the 22-Virugampakkam Assembly Constituency in South Chennai. If the petitioner possessed a Voter ID card for the Erode Constituency, he could not have voted in the 22-Virugampakkam Assembly Constituency. Further, the first respondent also sent a requisition seeking CCTV footage dated 23.04.2026 from Avichi Higher Secondary School, Arcot Road, Saligramam, Chennai, in the 22-Virugampakkam Assembly Constituency, where the petitioner is alleged to have cast his vote. The said request is still pending.

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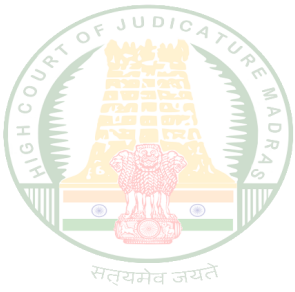
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6. It is also seen that the second respondent mechanically presumed that the name of Chandrasekaran Ragupathi, i.e., the person who cast his vote in the 22-Virugampakkam Assembly Constituency, and the name of the petitioner, i.e., Chandirasekhar Ragupathy, are one and the same, and construed that they are the same person. In the overall circumstances, it is revealed that the petitioner could not have cast his vote in the 22-Virugampakkam Assembly Constituency when he possessed a Voter ID card for the Erode Constituency, though the petitioner's name and his father's name are similar to those of the person who voted in the 22-Virugampakkam Assembly Constituency.

7. Further only on the statement recorded from the petitioner, the second respondent lodged complaint and the same has been registered in Crime No.306 of 2026 dated 13.05.2026 for the offences punishable under Sections 172, 318(2), 337 of the Bharatiya Nyaya Sanhita, 2023 r/w Section 31 of the Representation of the People Act. There is no material to show that he cast his vote at 22-Virugampakkam assembly constituency. In view of the pendency of the FIR, the petitioner could not able to go to Australia in which the petitioner was issued with passport.



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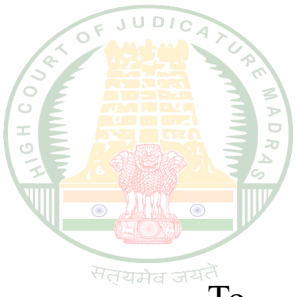
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8. In view of the above discussions, no purpose would serve if the first respondent is allowed to continue the investigation and to file final report. Hence, the FIR in Crime No.306 of 2026 on the file of the first respondent, is hereby quashed and the Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

24.09.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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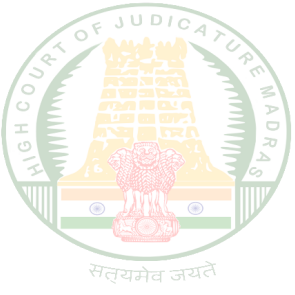


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To
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2. The Assistant Foreigners Regional Registration Officer
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Haddows Road,
Assistant Foreigners Regional Registration Officer,
Egmore Taluk, Chennai - 600 006.
3. The Public Prosecutor,
Madras High Court, Chennai.



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