

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 20-07-2026**

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**THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**CRL OP No. 19088 of 2026**

**and**

**CRL MP No. 12715 of 2026**

Chinraj @ Chinnaraj

Petitioner(s)

Vs

1. State Represented by  
The Inspector of Police,  
Sathyamangalam Police Station,  
Erode District.  
Crime No.198 of 2024.

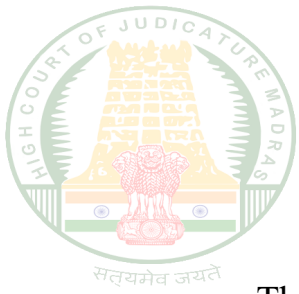
2.Mariyappan

Respondent(s)

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS, 2023,  
to call for the entire records pursuant to the S.T.C.No.17 of 2026 on the file of  
the Judicial Magistrate Court, Sathyamangalam and quash the same by allowing  
this Criminal Original Petition.

For Petitioner: Mr.B.Manibharathi

For Respondent(s): Mr.M.Mohamed Riyaz  
Government Advocate (Crl. Side)  
For R1



## ORDER

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The prayer in the Criminal Original Petition is to quash the proceedings in S.T.C.No.17 of 2026 on the file of the learned Judicial Magistrate, Sathyamangalam for alleged offences under Sections 143 & 341 of IPC, 1860, Sections 3A(1)(b) & 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, Section 3(4) of the Tamil Nadu Town Nuisance Act, 1889 and Section 184 of the Motor Vehicles Act, 1988.

2. Upon considering the materials, it is evident that the petitioner and others assembled together and went in procession in support of the candidate who stood in the Parliamentary Election. It is also evident that there was no violence. Public order remained unaffected. There was no criminal force. When the intention to commit any offence is lacking, it cannot be deemed an unlawful assembly merely because of the lack of permission. The mere lack of permission alone cannot be a ground to register the case under the aforesaid provisions.

3. The right to assemble and protest peacefully without affecting public order is held to be a fundamental right under Article 19(1)(a) and (b) of the Constitution of India. A useful reference in this regard is the Constitution Bench Judgments of the Hon'ble Supreme Court of India in ***Kameshwar Prasad and***



*others -Vs- State of Bihar and another (1960 SCCOnline SC 30) and Himat*

*Lal K. Shah -Vs- State (1973 1 SCC 227).* The Hon'ble Supreme Court of

India, in *Amit Sahni (Shaheen Bagh in re) -Vs- Commissioner of Police &*

*others (2020 10 SCC 439)*, further observed that such rights must be respected

and encouraged by the state.

4. Thus, finding that the offences alleged are not made out and that it would be oppressive on behalf of the State to continue the prosecution of the petitioner and others, the Criminal Original Petition deserves to be allowed.

5. The proceedings in S.T.C.No.17 of 2026 on the file of the learned Judicial Magistrate, Sathyamangalam stands quashed in its entirety and this Criminal Original Petition stand allowed. Consequently, connected miscellaneous petition is closed.

**20-07-2026**

Jd

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Sathyamangalam.

2. The Inspector of Police,  
Sathyamangalam Police Station,  
Erode District.

Crime No.198 of 2024.

3. The Public Prosecutor,  
Madras High Court.



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**D.BHARATHA CHAKRAVARTHY J.**  
jd

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