



CRL.OP.No.19002 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.19002 of 2026
and CRL.MP.No.12656 of 2026

1. A.Mohan
2. M.Raman
3. G.Sengodi
4. M.Jeevanathan
5. M.Balan
6. G.Raja
7. B.Ashok Kumar
8. M.Shanavaskhan
9. M.Mathialagan
- 10.C.Karuppasamy

..Petitioner(s)

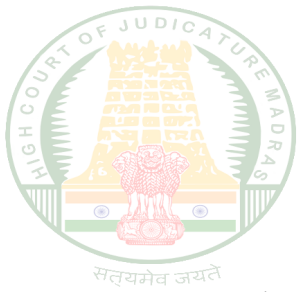
Vs.

1. The State Rep. by the Inspector of Police,
Salem City Police Station,
Salem District.
(Crime No.196 of 2022)

2. M.Gobinath

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS,
praying to call for the records culminating Crime No.196 of 2022, pending



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on the file of the Salem City Police Station, Salem District and quash the same.

For Petitioner(s): Mr.B Mohan

For Respondent(s): Mr.R.Rajasekaran, (for R1)
Counsel for Government of Tamil Nadu
(Crl.Side)

ORDER

The prayer in this criminal original petition is to quash the First Information Report (FIR) in Crime No.196 of 2022, pending on the file of the first respondent police, for the alleged offences under Sections 143 & 341 of the Indian Penal Code (IPC).

2. The learned counsel for Government of Tamil Nadu (Criminal Side), appearing for the first respondent police, submitted that subsequent to registering the case against the petitioners, a charge sheet was filed on 25.07.2025 via e-filing No.STC C202501299 before the Judicial Magistrate Court No.I, Salem.

3. Upon considering the materials, it is evident that the petitioners along with others, have only protested against the inflation and



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unemployment seeking the attention of the Government to take steps in that regard. 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.

4. 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 SCC Online 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.



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5. 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 petitioners and others, this criminal original petition stands allowed.

6. The First Information Report (FIR) in Crime No.196 of 2022 dated 30.08.2022 and the subsequent charge sheet dated 25.07.2025 in e-filing No.STC C202501299 before the Judicial Magistrate Court No.I, Salem, stand quashed in its entirety. Connected miscellaneous petition is closed.

20-07-2026

Neutral Citation: Yes

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To

1.The Judicial Magistrate Court No.I,
Salem.

2.The Inspector of Police,
Salem City Police Station,
Salem District.

3.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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