



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2026

CORAM

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THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 19773 of 2026

and

CrI.MP.No. 13103 of 2026

1. G.R.Guruprasad,
C/o.Ramamoorthy,
No.9, GVG Nagar,
Udumalaipettai - 642 126.
2. K.Pugalendhi,
C/o.Krishnasamy,
No.9/356A,
Ishwarya Garden,
Bodipatti, Udumalaipettai - 642 154.

..Petitioner(s)

Vs

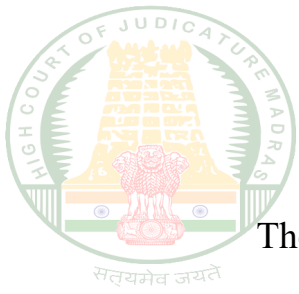
The State rep by the Inspector of Police
Dharapuram,
Tiruppur District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in S.T.C.No.1471 of 2025 on the file of the Learned Judicial Magistrate No.1, Dharapuram and Quash the same as against these petitioners and to pass such further order or orders as it may deem fit and proper in the circumstances of the above Case.

For Petitioner(s): Mr.S.Aswinraj

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

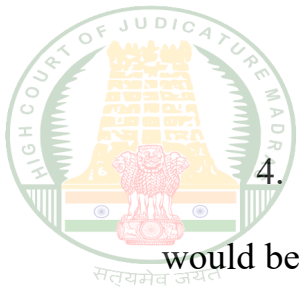


ORDER

The prayer in the Criminal Original Petition is to quash the STC.No.1471 of 2025 on the file of the learned Judicial Magistrate No.1, Dharapuram for alleged offences under Sections 143 & 341 of IPC.

2. Upon considering the materials, it is evident that the petitioners and others assembled and protested only in a peaceful manner relating to price hike of the petroleum products. 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. Accordingly, the Crl.OP.No. 19773 of 2026 stands allowed. The proceedings in STC.No.1471 of 2025 on the file of the learned Judicial Magistrate No.1, Dharapuram stands quashed in its entirety. Consequently, the connected miscellaneous petition stand closed.

24-07-2026

Neutral Citation: No

KKN

To

1. The Inspector of Police,
Dharapuram,
Tiruppur District.
2. The learned Judicial Magistrate No.1,
Dharapuram.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

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