



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. 19888 of 2026

and

CrI.MP.Nos.13203 & 13204 of 2026

V.C.Ajieeth Kumar @ Ajithkumar,
S/o. Chezhan,
50/23, Mariamman Kovil Street,
Karattur, Ariyappampalayam (TP),
Sathyamangalam, Erode 638 402.

..Petitioner(s)

Vs

1. The State represented by the Inspector of Police
Puliyampatti Police Station,
Erode District.
(Crime No. 158 of 2024,
now STC No.14 of 2026)
2. Chinnasamy
Superintendent,
Observer/Supervisor of Bhavanisagar Dam,
Bhavani Sagar Dam Line,
Bhavani Sagar, Erode District.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of STC No.14 of 2026 on the file of the learned Judicial Magistrate, Sathyamangalam, arising out of FIR No. 158 of 2024 registered by the 1st Respondent Police, and quash the same in their entirety as against the Petitioner/accused No.1, and pass such further or other orders as this Honorable Court.



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For Petitioner(s):

Mr.R.Praveen

For Respondent(s):

Mr.M.Mohamed Riyaz

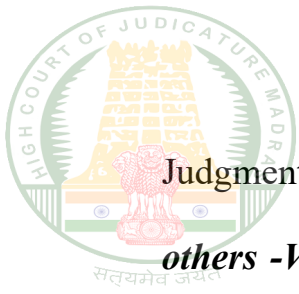
Government Advocate (Crl. Side) for R1

ORDER

The prayer in the Criminal Original Petition is to quash the STC.No. 14 of 2026 on the file of the learned Judicial Magistrate, Sathyamangalam for alleged offences under Sections 143, 341 of IPC, Section 3(4) of Tamil Nadu Town Nuisance Act and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act.

2. Upon considering the materials, it is evident that the petitioner has gone only by way of procession during 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.

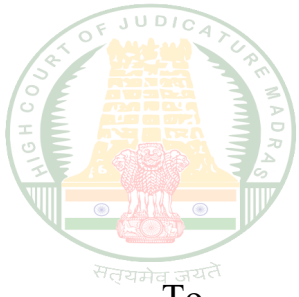
4. Thus, finding that the offences alleged are not made out and that it would be oppressive on behalf of the state to continue the prosecution of the petitioner and others, the Criminal Original Petition deserves to be allowed.

5. Accordingly, the Crl.OP.No.19888 of 2026 stands allowed. The proceedings in STC.No.14 of 2026 on the file of the learned Judicial Magistrate, Sathyamangalam stands quashed in its entirety. Consequently, the connected miscellaneous petitions stand closed.

24-07-2026

Neutral Citation: No

KKN



D.BHARATHA CHAKRAVARTHY, J.

KKN

To
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1. The Inspector of Police,
Puliyampatti Police Station,
Erode District.
2. The learned Judicial Magistrate,
Sathyamangalam.
3. The Public Prosecutor,
High Court of Madras, Chennai.

CRL OP No. 19888 of 2026

24-07-2026