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CRL.OP.No.19634 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.19634 of 2026
and CRL.MP.Nos.13021 & 13022 of 2026

D.Vinith

..Petitioner

Vs

1. State Rep. by
The Inspector of Police,
Thirukazhukundram Police Station,
Kancheepuram District.
(Crime No.890 of 2020)

2. Sridhar

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records in C.C.No.165 of 2023, pending on the file of the Judicial Magistrate Court, Thirukazhukundram at Chengalpattu District and quash the same.

For Petitioner:

Mr.D.Padmanabhan

For Respondents:

Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl. Side)



CRL.OP.No.19634 of 2026

WEB COPY

ORDER

The prayer in this criminal original petition is to quash the final report in C.C.No.165 of 2023, pending on the file of the Judicial Magistrate Court, Thirukazhukundram at Chengalpattu District, for the alleged offences under Sections 143, 188 & 270 of the Indian Penal Code (IPC).

2. The prayer sought in this petition is innocuous in nature, and as such, this petition is being disposed of at the admission stage itself, without ordering notice to the second respondent/de facto complainant.

3. Upon considering the materials, it is evident that the allegation against the petitioner is that during the COVID-19 pandemic, the petitioner, along with others, staged a protest against the Government and erected a flag post without obtaining formal prior permission, thereby violating the lockdown conditions imposed by the Government. 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.



CRL.OP.No.19634 of 2026

WEB COPY

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.

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 petitioner and others, this criminal original petition stands allowed.

6. The final report in C.C.No.165 of 2023, pending on the file of the Judicial Magistrate Court, Thirukazhukundram at Chengalpattu District, stands quashed in its entirety. Connected miscellaneous petitions are closed.

22-07-2026

Neutral Citation: No
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D.BHARATHA CHAKRAVARTHY J.

Sni

To

1.The Judicial Magistrate,
Thirukazhukundram, Chengalpattu District.

2.The Inspector of Police,
Thirukazhukundram Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court of Madras.

CRL.OP.No.19634 of 2026

22-07-2026

Page 4 of 4