



Crl OP(MD).No.8967 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

**Crl. OP(MD).No.8967 of 2026
and Crl.MP(MD).Nos.9514 & 9516 of 2026**

Ganesan @ Captain Ganesan

....Petitioner/Accused No.1

Vs

1.The State of Tamil Nadu
Rep.by Sub Inspector of Police
Tirunelveli Town Police Station
Tirunelveli
Crime No.358 of 2025

....1st Respondent/Complainant

2.The Sub Inspector of Police
Tirunelveli Town Police Station
Tirunelveli

....2nd Respondent/Defacto Complainant

Prayer: This petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to call for the records in C.C.No.62 of 2026 on the file of the Judicial Magistrate No.IV, Tirunelveli and quash the same.

For Petitioner

: Mr.N.Madhava Govindan

For Respondents

:Mr.N.Balasubramanian

Counsel for State of Tamil Nadu (Crl.side)



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ORDER

The present petition has been filed by the first accused in C.C.No.62 of 2026 on the file of the Judicial Magistrate No.IV, Tirunelveli wherein he was charged with the offences under Sections 192, 299 and 292 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2.A perusal of the charge sheet reveals that the petitioner along with nine others have assembled at 10.00 a.m on 06.12.2025 before Nellaiyappar Temple in Tirunelveli Town without any prior permission and raised slogans that they would redeem Madura, Kasi and Thiruparankundram like that of Ayothiya Temple. They have made an attempt to light lamp in front of the temple. As per charge sheet, this has happened on 06.12.2025 (the date on which Babri Masjid was demolished) and therefore, the entire intention was to create unrest among the different sections of people. It is further alleged that all the accused persons raised slogans as against the Government of Tamil Nadu.

3.The learned counsel appearing for the petitioner submitted that there is no disturbance to the general public and the public property was not damaged. They were only expressing their opinion that certain temples have to be redeemed and they were only attempting to light lamp in front of Nallaiyappar Temple. Raising slogans against the Government would not



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amount to an offence.

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4. Heard the learned counsel appearing on either side and perused the material records.

5. As could be seen from the charge sheet that the petitioner who belongs to a particular political party had assembled before the temple and made an attempt to light lamps and raised slogans as against the Government of Tamil Nadu. In fact, they were arrested immediately and they were removed from the scene of occurrence. In such circumstances, the petitioner and others have expressed their opinion in a democratic manner, the same cannot be considered to be an offence under Indian Penal Code. Any continuation of the criminal proceeding would only amount to abuse of process of law.

6. In view of the above said facts, the charge sheet in C.C.No.62 of 2026 on the file of the Judicial Magistrate No.IV, Tirunelveli stands quashed. This Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

01.06.2026.

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

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1. The Judicial Magistrate No.IV, Tirunelveli

2.The Sub Inspector of Police
State of Tamil Nadu
Tirunelveli Town Police Station
Tirunelveli
Crime No.358 of 2025

3.The Sub Inspector of Police
Tirunelveli Town Police Station
Tirunelveli

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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