



WEB COPY



Crl.O.P.(MD).No.16650 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.16650 of 2026

and

Crl.M.P(MD) Nos.16140 and 16141 of 2026

1. Jayapal
2. Gunasekaran
3. Krishnamoorthi
4. Selva Ananth
5. Elayaraja

... Petitioners/
Accused Nos. 1 to 5

Vs

1. The State of Tamil Nadu,
Represented by the Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.217 of 2024)

... 1st Respondent/Complainant

2. Akilan
Village Administrative Officer,
Thevaram,
Uthamapalaym,
Theni District.

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned Charge Sheet in S.T.C.No.17 of 2025 on the file of the learned Judicial Magistrate Court, Bodinayakkanur, Theni District and to quash the same as illegal.



WEB COPY



Crl.O.P.(MD).No.16650 of 2026

For Petitioners : Mr.A.Arputharaj

For R1 : Mr.P.Samuel Gunasingh
Government Advocate (Crl.Side)

ORDER

The present petition has been filed by A1 to A5 in S.T.C.No.17 of 2025 on the file of the learned Judicial Magistrate Court, Bodinayakkanur, Theni District, seeking to quash the charge sheet wherein the petitioners are charged with the offences under Sections 126(2), 189(2), 288 and 292 of BNS, 2023.

2. A perusal of the charge sheet reveals that the petitioners had unlawfully assembled at about 05.00 p.m. on 14.12.2024 and allegedly celebrated the death of an MLA. It is further alleged that they caused disturbance to the general public and disrupted public transport by bursting crackers.

3. According to the learned counsel appearing for the petitioners, it was only a celebration and there was no intention to cause any disturbance to the general public or the public transport. According to him, no public property was damaged.



Crl.O.P.(MD).No.16650 of 2026

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. A perusal of the final report would disclose that the accusation levelled against the petitioners is that they had celebrated the demise of a Member of the Legislative Assembly. At the outset, this Court is constrained to place on record its strong disapproval of such conduct, which is wholly devoid of decorum and offends the elementary norms of civility that citizens owe to one another. That, however, is not the end of the matter. This Court cannot lose sight of the fact that the occurrence dates back to December 2024; that the petitioners were apprehended then and there and the gathering was dispersed forthwith; and that no damage whatsoever was occasioned to public property. Regard being had to the totality of the facts and circumstances, this Court is of the considered view that no useful purpose would be served by permitting the prosecution to be carried on, and is accordingly inclined to quash the final report.

6. In view of the above said facts, the charge sheet in S.T.C.No.17 of 2025 on the file of the learned Judicial Magistrate Court, Bodinayakkanur,



Crl.O.P.(MD).No.16650 of 2026

Theni District, is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petitions are closed.

07.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi/msa

To

1. The Judicial Magistrate Court,
Bodinayakkanur, Theni District.
2. The Inspector of Police,
Thevaram Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.16650 of 2026

R.VIJAYAKUMAR,J.

ebsi

Crl.O.P(MD)No.16650 of 2026

07.08.2026