



WEB COPY



Crl.O.P.No.14033 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.14033 of 2025 &
Crl.M.P.Nos.9450 & 9509 of 2025

--

- 1.Vairavel
- 2.Samyanathan
- 3.Dhandapani @ Thandapani
- 3.Sathishkumar
- 5.Manoj
- 6.Gowthaman @ Gowtham
- 7.Prakash
- 8.Gopi
- 9.Boopathi
- 10.Mani
- 11.Thiyagarajan
- 12.Rajasekar

.. Petitioners

Vs.

- 1.The State Rep. by
Sub Inspector of Police,
Tiruchengode Police Station,
Namakkal District.
- 2.Manivannan
Village Administrative Officer,
Tiruchengode, Namakkal District.

.. Respondents

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in S.T.C.No.392 of 2024, on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal and to quash the same.



Crl.O.P.No.14033 of 2025

WEB COPY

For petitioners : Mr.R.Thirumoorthy

For respondents : Mr.S.Vinothkumar

Government Advocate (Criminal side) for R1

ORDER

This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to quash the proceedings in S.T.C.No.392 of 2024 pending on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal District, arising out of Crime No.170 of 2018 registered for the offences under Sections 143, 188, 285, and 341 of the Indian Penal Code.

2. The case of the prosecution is that on 07.03.2018 at about 10.50 a.m., the petitioners, who are said to be members of the Dravidar Viduthalai Kazhagam, had unlawfully assembled near the Thanthai Periyar Statue at Tiruchengode and raised slogans demanding the arrest of one Mr.H.Raja for allegedly making derogatory statements against the social reformer Thanthai Periyar. It is further alleged that the petitioners burnt an effigy of the said leader and sat on the road without obtaining prior permission, thereby causing obstruction to public movement. A complaint was lodged by the Village Administrative Officer, Tiruchengode, and based on the same, a case was registered in Crime No.170 of 2018 and thereafter, charge sheet was filed. The same was taken cognizance in S.T.C.No.392 of 2024.



WEB COPY

3. The learned counsel for the petitioners submitted that the entire prosecution is a result of political targeting and that the petitioners were not involved in any unlawful activity. It is submitted that the protest was peaceful and intended only to express dissent against derogatory remarks made against a respected social reformer. It is further submitted that one of the petitioners is a graduate and has successfully cleared the Group-IV examination conducted by the Tamil Nadu Public Service Commission. He was unaware of the registration of this case and came to know about the same only during the verification stage, which has jeopardized his career prospects.

4. The learned counsel would further submit that no offence as alleged is made out against the petitioners. There is no specific overt act attributed to any individual petitioner. The FIR appears to have been registered only as a preventive measure by the respondent police, and the charge sheet does not disclose any material to proceed further. The continuation of the criminal proceedings would cause grave prejudice to the petitioners who are first-time offenders and have no criminal antecedents.

5. The learned Government Advocate (Criminal Side) submitted that the FIR was registered based on a written complaint from a public servant and that the



Crl.O.P.No.14033 of 2025

protest was staged without permission, causing obstruction to traffic. It was further submitted that the investigation was completed and a final report was filed based on available materials.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. On a careful consideration of the facts and circumstances of the case, this Court finds that the protest in question was a symbolic expression of dissent against alleged derogatory statements made in the public domain. There is no allegation of violence, damage to property, or use of criminal force. In the present case, the ingredients of the offences alleged, particularly *mens rea*, are not clearly made out. It appears that the FIR was registered more as a preventive measure to control potential law and order issues, rather than due to any actual criminal activity. In fact, it appears that in order to avoid any escalation of law and order problems, the complaint itself was obtained by the respondent police from the Village Administrative Officer and a case was registered accordingly. A perusal of the charge sheet and the accompanying materials does not reveal any specific overt act attributed to any of the petitioners that would independently attract the ingredients of the alleged offences. In such circumstances, allowing the prosecution to proceed would serve no useful purpose and would only result in undue prejudice to the petitioners.



Crl.O.P.No.14033 of 2025

WEB COPY 8. In the result, this Criminal Original Petition is allowed. The proceedings in S.T.C. No. 392 of 2024 on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal District, as against the petitioners, are quashed. Consequently, connected miscellaneous petitions are closed.

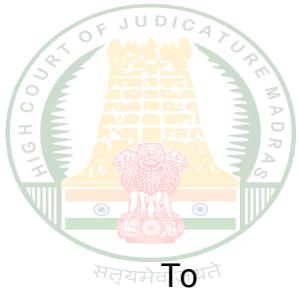
03.06.2025

r n s

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



Crl.O.P.No.14033 of 2025

To

WEB COPY

- 1.The Sub Inspector of Police,
Tiruchengode Police Station,
Namakkal District.
- 2.The Judicial Magistrate, Tiruchengode, Namakkal
3. The Public Prosecutor, Madras High Court, Chennai.



WEB COPY



Crl.O.P.No.14033 of 2025

P.VELMURUGAN, J

r n s

**Crl.O.P.No.14033 of 2025 &
Crl.M.P.Nos.9450 & 9509 of 2025**

03.06.2025