



Crl.O.P.No.23802 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 11.09.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**Crl.O.P.No.23802 of 2025**

**and**

**Crl.M.P.No.16260 & 16261 of 2025**

Thiru.M.Chinnadurai, MLA  
Member of Legislative Assembly (MLA)  
Representing Gandharvakottai Constituency,  
Tamil Nadu State Committee Member of  
Communist Party of India (Marxist)

... Petitioner

Vs.

1.The State of Tamil Nadu represented by its  
The Inspector of Police,  
Ariyalur Police Station,  
Ariyalur District.

2.Uma Shankar

... Respondents

**Prayer** : Criminal Original Petition filed under Section 528 of Bharatiya  
Nagarik Suraksha Sanhita to call for the records relating to the charge sheet  
in S.T.C.No.812 of 2020 pending on the file of the learned Judicial  
Magistrate No.1, Ariyalur and quash the same as against the petitioners.



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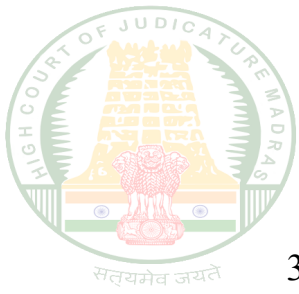
CrI.O.P.No.23802 of 2025

For Petitioner : Mr.L.Alaudeen  
For R1 : Mr.K.M.D.Muhilan,  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.812 of 2020 pending on the file of the learned Judicial Magistrate No.1, Ariyalur.

2.It is the case of the prosecution that, on 28.09.2025 at about 11.05 a.m., the petitioners who belong to the opposition party and its allies, despite the lockdown imposed under Section 144 Cr.P.C., without adhering to the social distancing, unlawfully assembled near Anna Statue and raised slogans as against the State and Central Governments to recall the legislations against the farmers. Based on the complaint given by the Village Administrative Officer, an FIR in Crime No.1113 of 2020 came to be registered, which culminated into S.T.C.No.812 of 2020 for the offences under Sections 143, 341, 269, 270 and 271 IPC. Challenging the same, the present Criminal Original Petition has been filed.

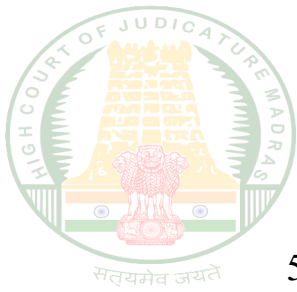


CrI.O.P.No.23802 of 2025

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3.Learned counsel for the petitioners would submit that the petitioners have peacefully participated in the protest, which was conducted against the Governments to withdraw the legislations against farmers. The protest was peaceful and no criminal force was used either by the petitioners or any of the members of the group. There was no wrongful restraint of the public. He would further submit that there is no material to show that the petitioners have intentionally come out to spread infection to others. Therefore, he would submit that no offence as alleged has been made out as against the petitioners and continuation of criminal proceedings is only a futile exercise.

4.Learned Additional Public Prosecutor appearing for the 1<sup>st</sup> respondent would submit that the petitioners, in violation of the Standard Operating Procedure (SOP) issued by the Central and State Governments during the Covid-19 Pandemic period, have unlawfully gathered and wrongfully restrained the public. Hence, the proceedings cannot be quashed at this stage.



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5.It is relevant to note the definition of “Unlawful Assembly” as under Section 141 IPC :

**“Unlawful Assembly :** *An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is -*

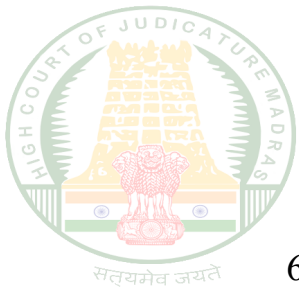
*(i) to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or*

*(ii) to resist the execution of any law, or of any legal process; or*

*(iii) to commit any mischief or criminal trespass, or other offence; or*

*(iv) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or*

*(v) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”*



Crl.O.P.No.23802 of 2025

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6.Only when the alleged assembly fits into any of the above circumstances, it could be construed as unlawful. The materials collected by the prosecution do not show that the accused had shown any criminal force to commit any mischief, crime or any offence or by way of criminal force, tried to take possession of the property or deprive any person of a right of way, or of the use of water or other incorporeal right of which he is in possession of enjoyment. Similarly, it is not the case of the prosecution that the accused had assembled to commit any offence. When the prosecution *prima facie* failed to establish that the assembly of five or more persons was with a common object to commit any offence or falls under any of the circumstances shown under the definition of unlawful assembly under Section 141 IPC, mere assembly of more than five persons cannot be construed as an unlawful assembly. Therefore, when the people gathered to show their protest against the Government to withdraw the legislations against the farmers, such a gathering, in the absence of any ingredients under Section 141 IPC, cannot be construed as unlawful assembly nor can be prosecuted under Section 143 IPC.

7.Similarly, as regards the offence under Section 341 IPC, on a



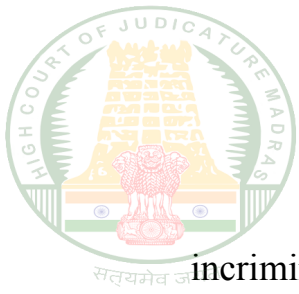
Crl.O.P.No.23802 of 2025

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perusal of the statements of the witnesses collected by the prosecution, it is relevant to note that, except a vague allegation that the petitioners were standing in obstruction to the public, there is no specific allegation as to the nature of obstruction or wrongful restraint committed by petitioners. It is also seen that the statements recorded from three independent witnesses are verbatim and no specific allegation, whatsoever, has been made to attract the offence under Section 341 IPC.

8. Similarly, the petitioners along with other accused have been charged for the offences under Sections 269, 270 and 271 IPC on the ground that the accused unlawfully assembled when the spread of Covid-19 was at its peak, unmindful of the fact that they may catch Covid-19 and may be a carrier for Covid-19. Only when the persons are likely to spread the infection of any disease dangerous to life, they shall be prosecuted under these sections. It is not the case of the prosecution that the accused were already infected with Covid-19 or their assembly in the public place would likely to spread the disease and hence, the offences under Sections 269, 270 and 271 IPC also will not be attracted against the petitioners.

9. In view of the above, this Court is of the view that the entire



Crl.O.P.No.23802 of 2025

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incriminating materials collected by the prosecution, when read in entirety, do not make out any offence as alleged by the prosecution. Though, while exercising the power under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Code of Criminal Procedure, this Court should be slow, if the Court finds that the entire materials collected by the prosecution, even when taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons. Therefore, continuing the prosecution is only an abuse of process of law and hence, the same is liable to be quashed.

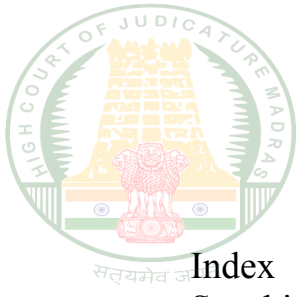
10. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.812 of 2020 on the file of the Judicial Magistrate No.1, Ariyalur, is quashed. Consequently, connected miscellaneous petitions are closed.

**11.09.2025**

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Internet : Yes

Page 7 of 9



CrI.O.P.No.23802 of 2025

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No

To

- 1.The Judicial Magistrate No.1,  
Ariyalur.
- 2.The Inspector of Police,  
Ariyalur Police Station,  
Ariyalur District.
- 3.The Public Prosecutor,  
High Court, Madras.

**N. SATHISH KUMAR, J.**



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Crl.O.P.No.23802 of 2025

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