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CrI.O.P(MD). No.13868 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P(MD). No.13868 of 2025
and CrI.M.P.(MD).11098 of 2025

R.B.Udhayakumar

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by,
The Sub-Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.300 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the entire records and quash the proceedings in Crime No.300 of 2024, pending on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.300 of 2024, pending on the file of the respondent.



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2. The case of the prosecution is that on 30.07.2024, the petitioner and others, who belong to a political party, had unlawfully assembled near Kapalur toll gate without obtaining prior permission and had conducted a protest for increasing toll fee for the local residents and caused disturbance to the public. Therefore, a case in Crime No.300 of 2024 was registered by the respondent Police for the offences under Sections 189(2) and 126(2) of BNS (corresponding to Sections 143 & 341 IPC).

3. Learned counsel appearing for the petitioner submitted that the facts of the instant case are similar to the facts of the cases in ***Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District*** reported in (2018 2 LW (Crl) 606) and ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others (Crl.O.P(MD) No.7922 of 2019, decided on 30.08.2019)***, in which the proceedings were quashed. Hence, he prayed to quash the proceedings pending against the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent Police endorses the aforesaid submission.



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. In a similar circumstance, this Court, in CrI.O.P.No.4609 of 2021 vide order dated 25.03.2021, has held as under:-

“4. It is to be pointed out that no untoward incident had taken place, The petitioner has organized the protest and the First Information Report has not disclosed any act of violence. It must be unequivocally emphasized that the Constitution of India gives its Citizens the right to freedom of speech and expression, assemble peacefully and without arms, to form Associations and Unions and to move freely throughout the Territory of India under Article 19(1) (a), (b), (c) and (d) of the Constitution of India. But of course these rights come with terms and conditions. In the instant case, the protest was peaceful and as already observed no untoward incident took place.”

7. In view of the above, this Court is of the opinion that the above said decisions would apply on all fours to the present case and that no useful purpose will be served by keeping the proceedings pending and is liable to be quashed. Further, though the petition has been filed by the petitioner alone, no useful purpose would be served by allowing the proceedings to continue against the remaining accused, who are all similarly placed, and it is an abuse of process of law.



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8. Accordingly, the Criminal Original Petition stands allowed and the proceedings pursuant to the First Information Report in Crime No.300 of 2024, on the file of the respondent Police is hereby quashed in entirety. Consequently, the connected miscellaneous petition is closed.

06.11.2025

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Neutral Citation: Yes/No

To

1. The Sub-Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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