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CrI.O.P.(MD)No.14827 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.11.2025**

CORAM:

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

**CrI.O.P.(MD).No.14827 of 2025**  
**and CrI.M.P.Nos.12049 & 12050 of 2025**

Vincent,  
(M/A-39)  
S/o Chellan

... Petitioner

Vs.

1. The State of Tamilnadu,  
represented by,  
The Inspector of Police,  
Kollencode Police Station,  
Kanyakumari District.  
(Crime No.356 of 2021)

2. B.Sivakumar,  
Inspector of Police,  
Kollencode Police Station,  
Kanyakumari District.

... Respondents

**PRAYER** : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023, to call for the records in S.T.C.No.1985 of 2022 on the file of the learned Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District and to quash the same.

For Petitioner : Mr.V.S.Dinesh

For Respondents : Mr.K.M.D.Muhilan,  
Addl.P.P. for R1



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## **ORDER**

This Criminal Original Petition has been filed seeking to quash the proceedings pending in STC.No.1985 of 2022 on the file of Judicial Magistrate No. II, Kuzhithurai, Kaniyakumari District.

2.The case of the prosecution is that on 08.08.2021, when the police team were on routine patrol duty, the members of a political party under the head of one Dharmaraj, assembled near Kannanagam junction, conducted demonstration/protest condemning the functioning of the Government. On the basis of the above said occurrence, a case in Crime No. 356 of 2021 was registered for the offences under Sections 143, 269, 270, 283, 290 of IPC and Section 3 of the Epidemic Diseases Act, 1897, and it was taken cognizance in STC.No.1985 of 2022 by the Judicial Magistrate No.II, Kuzhithurai.

3. Seeking quashment of the same, this petition has been filed by this petitioner, who is arrayed as A130.

4. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor for the respondent and perused the materials available on record.

5. There is an allegation of pandemic protocol violation imposed by the Government and making protest against the functioning of the Government, without proper and prior permission.

6. Conducting demonstration or protest against the functioning of the Government, cannot be construed as illegal in nature. It is a democratic right of every political party to make objection against the functioning or policy of the Government. So, that cannot be stated to be illegal.

7. For attracting the offence under Section 143 IPC, the ingredients of Section 141 IPC must be fulfilled.

8. Section 141 IPC reads as under:-

“Section 141. 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 -

First – To overawe by criminal force, or show



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of criminal force, or any public servant in the exercise of the lawful power of such public servant; or

Second – To resist the execution of any law, or of any legal process; or

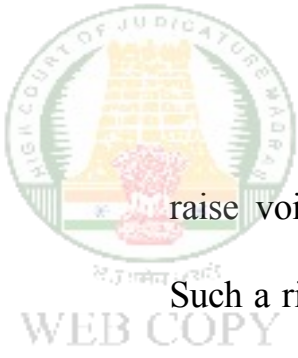
Third – To commit any mischief or criminal trespass, or other offence; or

Fourth – 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

Fifth – 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.

Explanation – An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.”

9. When we apply the ingredients of Section 141 IPC to the factual position of the case, it is seen that none of those ingredients mentioned in Section 141 IPC are attracting. They have simply made protest against the performance of the Government. It is a democratic right of every person to



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raise voice against the political or Government condemning their policies.

Such a right has been exercised by the petitioner along with others. So, that cannot be construed as 'unlawful or illegal'.

10. As per Section 269 IPC, the maximum punishment period is six months or fine or both. But Section 270 IPC prescribes punishment upto two years or with fine or with both. Section 283 IPC is punishable with fine, which may extend to two hundred rupees, so also Section 290 IPC. There is no question of limitation here. But, it is also seen that the Government has taken a policy decision to withdraw the cases registered against the public for pandemic violation.

11. The learned Additional Public Prosecutor has fairly admitted that such a policy decision has been taken by the Government and subsequently, G.O. has been passed.

12. In view of the above said submission made by the learned Additional Public Prosecutor, this Criminal Original Petition stands allowed. The case in STC.No.1985 of 2022 on the file of the Judicial Magistrate No.II, Kuzhithurai, is hereby quashed as against the petitioner.



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Consequently, connected Miscellaneous Petitions are closed.

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*vsi*

Neutral Citation: Yes/No

To

1. The Inspector of Police,  
Kollencode Police Station,  
Kanyakumari District.  
(Crime No.356 of 2021)
2. B.Sivakumar,  
Inspector of Police,  
Kollencode Police Station,  
Kanyakumari District.
3. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA, J.**

*vs*

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***13.11.2025***