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CRL OP No. 28324 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 28324 of 2025

and

CRL MP Nos.19169 & 19170 of 2025

1. Gouse
2. Kareem
3. Mubarak
4. Mohamed Shabiulla
5. Faiz Ahamed
6. Abdul Kaboor
7. Thameem
8. Mahaboob Basha
9. Syed Umaayun
10. Sowkath Ali

Petitioner(s)

Vs



1. The State represented by,
The Sub Inspector of Police,
Arcot Town Police station,
Ranipet District. Cr.No.643/2024.

2. Vengatesn
S/o. Munusamy,
VAO, Arcot Town Ranipet District.

Respondent(s)

PRAYER

This Criminal Original Petition is filed under Section 528 of BNSS, to call for the records in CC.No.94 of 2024, on the file of the learned District Munsif-cum-Judicial Magistrate Court, Arcot and to quash the same.

For Petitioner(s):	Mr.K.Ezhumalai For Mr.H.Thameen Ansari
For R1	Mr.R.Vinothraja Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to call for the records in CC.No.94 of 2024, on the file of the District Munsif-cum-Judicial Magistrate Court, Arcot and to quash the same.



2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. The petitioners were charged for the offences under Sections 189(2), 126(2) and 287 of BNS. The allegation against the petitioners is that they unlawfully assembled in front of Lakshmi Theatre and thereby, raised slogans against Actors Mr.Kamalahasan and Mr.Sivakarhikeyan and caused public nuisance.

3.Learned counsel for the petitioners would submit that the petitioners peacefully participated in the protest, which was conducted against Mr.Kamal Haasan and Mr.Sivakarhikeyan, who are the maker and actor, respectively of the movie “Amaran” depicting Kashmiri Muslims as extremists in the said movie. The protest gone peacefully and no criminal force was used either by the petitioners or any of the members of the group. There was no wrongful restraint either of the public or of the vehicles as alleged by the prosecution. Therefore, he would submit that no case has been made out as against the accused and continuation of criminal proceedings is only a futile exercise.



4. It is to be noted that, while exercising the power under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 of Code of Criminal Procedure, this Court should be slow, but at the same time, 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.

5. This Court is of the view that the entire incriminating materials collected by the prosecution, when read in entirety, do not make out any offence either under Section 143 IPC or 189(2) BNS. When the entire materials collected by the prosecution, when read in entirety, do not constitute any offence or make out a case against the accused, continuing prosecution without any materials, is a clear abuse of process of law, and therefore, it is a fit case to quash the criminal proceedings.

6. Further, on a perusal of the statement of witnesses, none of the accused have been identified, except the series of statements no other materials are available on record. The petitioners gathered and expressed their



objections in the protest without causing any harm to anyone and therefore, such an act cannot be termed as offence at all.

7. Accordingly, this Criminal Original Petition is allowed and the proceedings in CC.No.94 of 2024, on the file of the District Munsif-cum-Judicial Magistrate Court, Arcot is quashed. Consequently, connected miscellaneous petitions are closed.

16-10-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The District Munsif-cum-Judicial
Magistrate Court, Arcot.

2.The Sub Inspector of Police,
Arcot Town Police Station,
Ranipet District. Cr.No.643/2024.

3. The Public Prosecutor,
High Court, Chennai.



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