



Crl.O.P.No.30999 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM:

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

Crl.O.P.No. 30999 of 2025

&

Crl.M.P.No. 21276 of 2025

1.Therthiruvarasu

2.Sofiya @ Megala

3.Muniyammal

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
Parhirvedu Police Station,
Tiruvallur District.

2.Vijaykumar

... Respondents



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WEB C PRAYER : Criminal Original Petition is filed under Section 528

of Bharatiya Nagarik Suraksha Sanhita, to call for records in Crime No.101 of 2025 pending investigation on the file of the 1st respondent police and to quash the same.

For Petitioners : Mr. R.Thirumoorthy

For Respondent 1 : Mr. R.Vinothraja
Government Advocate
(Criminal Side)

ORDER

This criminal original petition has been filed seeking to quash Crime No.101 of 2025 registered for the offences under Sections 191 (2), 132 and 329 (3) of BNS, pending investigation on the file of the 1st respondent police.



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2.The case of the prosecution as per the de facto complainant Vijayakumar, Supervisor of TASMACH shop is that on 12.07.2025, around 12 noon, while the TASMACH Salesman Venkatesan opened the shop and was attending duty, the petitioners and others entered into the shop and asked the said Venkatesan to go out and pulled the shutter down and the second petitioner locked the shop; hence, he (de facto complainant) asked the police to take action against them, based on which, a case in Cr.No.101 of 2025 was registered against the petitioners for the offences as aforesaid.

3.The learned counsel for the petitioners would submit that the petitioners have agitated against the functioning of TASMACH shop, since it was very close to temple in a thick residential area and it was causing disturbance to the public and more particularly to the womenfolk. He would further submit that



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the Grama Sabha of Thervoy Village Panchayat has passed a resolution bearing No.20, dated 02.10.2024, to shift the said TASMACH to some other place and since it was not complied with, the petitioners have agitated against the same. Therefore, the 1st respondent police have registered a case against them, as aforesaid.

4.The learned Government Advocate (Criminal Side), would submit that the petitioners have illegally trespassed into the TASMACH shop and attempted to close the same and also prevented the employees from discharging their duties.

5.At this juncture, it is apropos to extract Sections 191 (2), 132 and 329 (3) of BNS and the same read as under:

“191 (2)Whoever is guilty of rioting, shall be punished with imprisonment of either description for a



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term which may extend to two years, or with fine, or with both”.

“132 Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

“329 (3) Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both”.

6. Even admittedly, no act of force or violence was used by the petitioners. Since the TASMACH authorities did not abide by the resolution passed by the panchayat, the petitioners



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closed the shop. In such circumstances, the offences alleged against the petitioners cannot be made out. The shop is a Government run shop and their entry into the shop cannot amount to criminal trespass. That apart, the act of the petitioners is only trivial in nature and not grievous or sensitive. Superadded, they have exhibited their protest only in a non-violent manner i.e., without using any force.

7. For the foregoing reasons, the impugned FIR stands quashed and as a sequel, this criminal original petition stands allowed. Connected stay petition in Crl.M.P. No.21276 of 2025 stands closed.

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Neutral Citation:Yes/No

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To



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1.The Inspector of Police,
Parhirvedu Police Station,
Tiruvallur District.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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