



WEB COPY



Crl.O.P.No.32845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM:

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32845 of 2025

and

Crl.M.P.Nos.22922 and 22924 of 2025

1. L.Sankaralingam
 2. A.Navinchandran
 3. C.Vinod Kumar @ Vinoth
- ... Petitioners

Vs.

1. State of Tamil Nadu rep. By its
The Inspector of Police,
Ooty Town West Police Station,
The Nilgiris.

2. Senthil Kumar.M
The Sub-Inspector of Police,
Ooty Town West Police Station,
The Nilgiris.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in STC No.536 of 2025, pending on the file of the Judicial Magistrate (Juvenile Justice Board) (also to try CBCID cases for the entire District) Udhagamandalam and to quash the same.

For Petitioners : Mr.K.Balasubramaniam

For R1 : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash STC No.536 of 2025, for the offences under Sections 189(2) and 126(2) of BNS, on the



CrI.O.P.No.32845 of 2025

file of the Judicial Magistrate (Juvenile Justice Board) (also to try CBCID cases for the entire District) Udhagamandalam.

2. The case of the prosecution is that on 24.03.2025, at about 11.30 AM, when the second respondent was on patrol near the District Collector's Office, the petitioners, who are office bearers of a political party ,along with 107 ASHA women employees, had conducted a protest as against the Government, without obtaining prior permission from the first respondent police. Based on the above allegations, a case was registered and a final report was filed and the case was taken on file in STC.No.536 of 2025 by the learned Judicial Magistrate (Juvenile Justice Board) (also to try CBCID cases for the entire District) Udhagamandalam, for the offences under Sections 189(2) and 126(2) of BNS.

3. Learned counsel appearing for the petitioners would submit that the petitioners had conducted a protest in a democratic manner without causing any disturbance to the public and thereby, no ingredients are made out as against the petitioners for the alleged offences under Sections 189(2) and 126(2) of BNS. Further, he would submit that the first respondent police, without any prior permission, has *suo motu* registered the case and completed the investigation and filed the final report. Further, according to



Crl.O.P.No.32845 of 2025

the learned counsel, the facts of the instant case are similar to the facts of the case in *Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District [2018 2 LW (Crl) 606]* and *Sri Raja vs. Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others in (Crl.O.P. (MD) No.7922 of 2019 decided on 30.08.2019)*. He would further submit that the above decisions, would apply on all fours to the instant case.

4. Per contra, the learned Government Advocate (Criminal Side) would submit that the petitioners and others had protested in the middle of the road, thereby, causing disturbance to the public. However, he would fairly submit that there was no violence or untoward incident and nobody was injured in the said incident and would endorse the above said submission of the learned counsel for the petitioner. He would also submit that only these petitioners have filed this petition, but, there are 107 ASHA women employees who are also arrayed as accused in this case.

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

6. In the judgment in *Jeevanandham, supra*, it has been held that the



Crl.O.P.No.32845 of 2025

police has no right to file a case under Sections 143 and 188 of IPC (Sections 189 and 223 of the BNS, 2023). Further, as fairly admitted by the learned Government Advocate (Criminal Side) there was no violence or untoward incident and nobody was injured in the said incident. In such circumstances, the first respondent police has no right to register the case and to investigate the matter.

7. In view of the above, this Court is of the opinion that no useful purpose will be served by keeping the proceedings pending as against these petitioners and also as against the other accused persons.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in STC No.536 of 2025, on the file of the Judicial Magistrate (Juvenile Justice Board) (also to try CBCID cases for the entire District) Udthagamandalam, is hereby quashed against the petitioners and also in respect of other accused.

03.12.2025

ssa

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No



WEB COPY



Crl.O.P.No.32845 of 2025

A.D.JAGADISH CHANDIRA J.

SSA

To

1. The Judicial Magistrate
(Juvenile Justice Board)
(also to try CBCID cases for the entire District)
Udhagamandalam
2. The Inspector of Police,
Ooty Town West Police Station,
The Nilgiris.
3. The Sub-Inspector of Police,
Ooty Town West Police Station,
The Nilgiris.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.32845 of 2025
and Crl.M.P.Nos.22922 and 22924 of 2025

03.12.2025