



Crl.OP(MD)Nos.22055, 22072 and 22083 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.22055, 22072 and 22083 of 2025
and
Crl.M.P.(MD)Nos.18979, 18997 and 19010 of 2025

Crl.O.P.(MD)No.22055 of 2025

1.Sakthivel

2.G.Muthu

3.M.Sivakumar

4.N.Arunachalam

... Petitioners

Vs.

1.The State of Tamilnadu,
Through the Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Cr.No.7 of 2024)

2.Kalaiselvan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records connected with the case in C.C.No.1419 of 2024 pending on the file of the learned Judicial Magistrate Court No.V, Tirunelveli, and quash the same.

For Petitioner : Mr.S.Malaikani



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Crl.OP(MD)Nos.22055, 22072 and 22083 of 2025

For R-1

: Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

Crl.O.P.(MD)No.22072 of 2025

1.E.Sivasubramani
(In Charge Sheet Name
Has Been Mistakenly Typed as
Sivasubramanian)

2.M.Sivakumar

3.T.Ganesan

4.C.Balasankar

5.P.Sakthivel

6.G.Muthu

7.T.Devendrarajan

... Petitioners

Vs.

1.The State of Tamilnadu,
Through the Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Cr.No.78 of 2024)

2.Palani

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records connected with the case in C.C.No.1814 of 2025 pending on the file of the learned Judicial Magistrate Court No.V, Tirunelveli, and quash the same.

For Petitioner : Mr.S.Malaikani



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Crl.OP(MD)Nos.22055, 22072 and 22083 of 2025

For R-1

: Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

Crl.O.P.(MD)No.22083 of 2025

- 1.Sakthivel
- 2.T.Ganesan
- 3.C.Balasankar
- 4.E.Sivasubramani
(In Charge Sheet Name
Has Been Mistakenly Typed as
Sivasubramanian)
- 5.Sudharani
6. Amaravathi
7. Balammal
8. Amutha
9. Palaniammal
(In Fir and Charge Sheet Name is
Mentioned as Palani)
- 10.Rajeswari
11. Indhirani
(In the Fir and Charge
Sheet Name is Mistakenly
Mentioned as Indira Rani)
- 12.Angel
- 13.Uma
- 14.Tamilselvi



Crl.OP(MD)Nos.22055, 22072 and 22083 of 2025

15.Tamilselvi

16. Padma

... Petitioners

Vs.

1.The State of Tamilnadu,
Through the Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Cr.No.69 of 2024)

2.Jeyakumari

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records connected with the case in C.C.No.2166 of 2025 pending on the file of the learned Judicial Magistrate Court No.III, Tirunelveli, and quash the same.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. side)

ORDER

Preface:

Since the issues involved, the cause of action, the nature of allegations, and the grounds urged in all the above Criminal Original Petitions are substantially identical and arise out of protests staged by villagers opposing the establishment of solar power plants in and



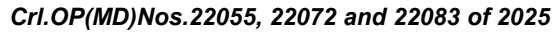
Crl.OP(MD)Nos.22055, 22072 and 22083 of 2025

around the same locality, these petitions are taken up together, heard jointly, and are being disposed of by this common judgment.

2. The petitioners in all the three Criminal Original Petitions invoke the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeking to quash the respective final reports/charge sheets on the ground that the criminal proceedings are nothing but an abuse of the process of law, aimed at stifling a constitutionally protected peaceful protest.

Case of the prosecution (common narration):

3. The prosecution case, broadly stated, is that various solar energy companies, namely, Bharathi Mahesh Energy Private Limited, Clean Tech Solar Energy Company, and CSE Solar Sunpark Tamil Nadu Private Limited, had purchased large extents of land in Thenkalam, Thalaiyuthu, and nearby villages in Tirunelveli District for the purpose of establishing solar power plants.



5. It is the further allegation of the prosecution that during such protests, the petitioners abused and intimidated the company representatives and workers and demanded money, thereby attracting offences under various provisions of the Indian Penal Code, including Sections 143, 147, 149, 290, 341, 294(b), 353, 387 and 506(ii) of IPC.

6. On completion of investigation, final reports were filed and taken on file as C.C.No.1419 of 2024 on the file of the learned Judicial Magistrate No.V, Tirunelveli (arising out of Crime No.7 of 2024); C.C.No.2166 of 2025 on the file of the learned Judicial Magistrate No.IV, Tirunelveli (arising out of Crime No.69 of 2024);



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and C.C.No.1814 of 2025 on the file of the learned Judicial Magistrate No.V, Tirunelveli (arising out of Crime No.78 of 2024).

7. *Grounds for quash (common):*

The principal grounds urged by the petitioners may be summarised as follows:

(a) The allegations, even if taken at face value, do not disclose the essential ingredients of the offences alleged.

(b) The acts complained of constitute peaceful protest and demonstration, which are protected under Article 19(1)(a) and 19(1)(b) of the Constitution of India.

(c) A mere gathering of villagers and expression of dissent cannot be characterised as unlawful assembly, wrongful restraint, extortion, or criminal intimidation.

(d) The invocation of serious penal provisions such as Sections 387 and 506(ii) IPC is wholly unwarranted and is intended only to intimidate and silence the villagers.

(e) The delay in forwarding the FIRs to the jurisdictional Magistrate, in some cases, vitiates the prosecution.



(f) The proceedings are mala fide and constitute an abuse of the process of Court.

Submissions:

8. The learned counsel for the petitioners submitted that all three cases arise out of the same social issue, namely, the opposition by villagers to the establishment of solar power plants on agricultural lands and in close proximity to residential habitations. It was contended that the protests were peaceful, involved women and elderly villagers, and were intended to draw the attention of the Government authorities, particularly when the companies had allegedly commenced preliminary works without obtaining proper statutory permissions.

9. The learned counsel relied upon the judgment of this Court in Crl.O.P.(MD) No.25175 of 2019, dated 08.03.2023, wherein it was categorically held that a mere protest by a group of people would not amount to an unlawful assembly. Reliance was also placed on the decision of this Court in ***Jeevanandham and others v. State***¹: (2018) 2 LW (Cri) 606, to contend that temporary obstruction or

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inconvenience caused due to a protest does not constitute offences under Sections 341 or 342 IPC.

10. It was further argued that the essential ingredients of extortion under Section 387 IPC, namely threat of death or grievous hurt for the purpose of extortion, are conspicuously absent in the present cases. As regards Section 353 IPC, it was submitted that there are no allegations of assault, use of criminal force, or obstruction of any public servant in the discharge of official duties.

11. Per contra, the learned Government Advocate (Crl. side) submitted that the protests were not genuine public protests but were instigated by certain groups with the intention of extracting money from the companies. It was contended that the charge sheets contain sufficient material to proceed against the petitioners and that the disputed facts ought to be tested only during trial.

12. Heard the learned counsels on either side and carefully perused the materials available on record.



13. Points for consideration:

The following points arise for consideration:

- (i) Whether the allegations in the final reports disclose the essential ingredients of the offences alleged against the petitioners?
- (ii) Whether the criminal proceedings are liable to be quashed as an abuse of the process of law?

Analysis:

14. It is well settled that while exercising jurisdiction under Section 528 BNSS / Section 482 Cr.P.C., 1973, this Court is required to see whether the uncontroverted allegations, taken at their face value, make out the commission of any cognizable offence. As regards the offences relating to unlawful assembly under Sections 143, 147 and 149 IPC, this Court finds that the allegations do not disclose the existence of a common object falling within the ambit of Section 141 IPC. A peaceful protest against a perceived environmental and residential concern cannot, by itself, be branded as unlawful assembly.



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15. Insofar as Sections 341 and 294(b) IPC are concerned, there are no specific allegations indicating wrongful restraint as defined under Section 339 IPC or the utterance of obscene words causing annoyance to others. The invocation of Section 387 IPC appears to be wholly misconceived. There is no allegation of threat of death or grievous hurt with the intention of committing extortion. Mere protest or opposition, even if vocal, cannot be stretched to attract the offence of extortion.

16. Similarly, the materials on record do not disclose any act of assault or use of criminal force against a public servant so as to attract Section 353 IPC. As regards Section 506(ii) IPC, the charge sheets are bereft of specific allegations constituting criminal intimidation of the nature contemplated under the said provision. This Court is constrained to observe that the criminal law has been set in motion in these cases more as a tool to quell dissent rather than to address any genuine criminal conduct.

17. In view of the foregoing discussion, this Court is of the considered opinion that the continuation of the criminal proceedings



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against the petitioners would amount to an abuse of the process of law.

18. Accordingly, all the Criminal Original Petitions are allowed. The proceedings in C.C.No.1419 of 2024 on the file of the Judicial Magistrate No.V, Tirunelveli, C.C.No.2166 of 2025 on the file of the Judicial Magistrate concerned, Tirunelveli, and C.C.No.1814 of 2025 on the file of the Judicial Magistrate No.V, Tirunelveli, are hereby quashed. Consequently, the connected miscellaneous petitions are closed.

15.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate No.IV,
Tirunelveli.
- 2.The Judicial Magistrate Court No.V,
Tirunelveli.
- 3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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