



WEB COPY



Crl.O.P.(MD)No.854 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2026

CORAM:

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

Crl.O.P.(MD)No.854 of 2026
and Crl.M.P.(MD) Nos.911 & 915 of 2026

1.Ramar
2.Ravichandran
3.K.Palanichamy
4.Karikalan
5.Senthilram
6.V.Kumar
7.Sasikumar

... Petitioners

Vs.

1.State of Tamil Nadu Rep. by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
In Crime No.538/2020

2.M.Muthusamy
The Special Sub-Inspector of Police-660,
Thogamalai Police Station,
Karur District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C, to call for the records relating to the C.C.No.628 of 2024 on the file of the Learned Judicial Magistrate No.I, Kulithalai and quash the same as illegal as far as these petitioners concern.



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For Petitioners : Mr.K.Sivabalan
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.628 of 2024 on the file of the learned Judicial Magistrate No.I, Kulithalai.

2. The brief facts of the case are that on 20.11.2020, the petitioners, violating Section 144 Cr.P.C issued by the Central and State Governments to prevent the spread of the Corona virus, had unlawfully assembled, without obtaining any permission, and conducted a protest in a public place to condemn the arrest of a political party leader. On account of the same, a case in Crime No.538 of 2020 was registered by the respondent Police for the offences under Sections 143, 269 IPC and Section 3 of the Epidemic Diseases Act. After completion of investigation, the respondent Police filed the charge sheet before the learned Judicial Magistrate No.I, Kulithalai. The learned Magistrate took the same on file and assigned C.C. No. 628 of 2024 and subsequently issued summons to the petitioners. The petitioners, aggrieved by the same, have preferred the present petition to quash the said proceedings.



3. The learned counsel appearing for the petitioners submits that Section 172(2) of the BNSS, 2023, which is analogous to Section 151 of the Cr.P.C., is a preventive provision and not a penal one. He contends that under this section, a police officer is only empowered to detain or remove a person who resists or disregards a lawful direction. Such a person may be produced before a Magistrate or, in petty cases, released at the discretion of the officer as soon as the occasion is past, and in any event within 24 hours. In such circumstances, it cannot be the penal provision and no case can be registered and further proceedings in Crime No.528 of 2020 is an abuse of process of law.

4. It is his further submission that the facts of the instant case are similar to the facts of the cases in ***Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District*** reported in (2018 2 LW (Crl) 606) and ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others (Crl.O.P No.7922 of 2019, decided on 30.08.2019)***, in which the proceedings were quashed. Hence, he prayed to quash the impugned proceedings.

5. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the present case was registered due to the



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protest conducted in violation of the Government Order during Covid-19 pandemic. However, he fairly endorsed the submission of the learned counsel for the petitioners that the facts of the instant case are akin to the facts in the aforesaid two cases.

6. Having heard the learned counsel appearing on either side and upon perusal of the entire materials available on record, this Court is of the opinion that the above said decisions would apply on all fours to the present case and that no useful purpose will be served by keeping the impugned proceedings pending and the same is liable to be quashed.

7. Accordingly, the Criminal Original Petition stands allowed and case in C.C.No.628of 2024 is hereby quashed as against the petitioners. Consequently, the connected miscellaneous petitions are closed.

22.01.2026

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Neutral Citation: Yes/No

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1.The Judicial Magistrate No.I, Kulithalai

2.The Inspector of Police,
Thogamalai Police Station,
Karur District.

3.The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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