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CRL OP No. 5330 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5330 of 2026

1. Syed
S/o. Hussain,
NO.19, Thadikaran Kuttai Street,
Avarapakkam,
Tindivanam,
Villupuram District.
2. Abdhul Jappar
S/o.Bhathuru Jaman,
No.3/27, R.S.Pillai Street,
Tindivanam,
Villupuram District.
3. Muhamed Yusub
S/o. Abdhul Majith,
No.17/32, R.S.Pillai Street,
Tindivanam,
Villupuram District.
4. Adham
S/o.Hanif,
Residing at Paruvathamman Kovil Street,
Roshanai, Tindivanam,
Villupuram District.
5. Muhamed Hamed
S/o.Habip Rahman,
No.14/W, Umarpulavar Street,
Roshanai, Tindivanam,
Villupuram District.



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6. Yagath Basha
S/o. Shajanhan,
No.47, Rajagopal Nagar,
Santhaimedu, Tindivanam,
Villupuram District.
7. Syedhassan
S/o.Syedmakthum,
No.28, Udhaiyar Nagar,
Chennai Main Road,
Tindivanam,
Villupuram District.
8. Rasak
S/o.Muhamed,
No.6, Salt Road,
Marakkanam Town,
Tindivanam,
Villupuram District.
9. Arifbhasha
S/o. Bhasheer,
No.47, Jayam Nagar,
Pelakuppam Road,
Tindivanam,
Villupuram District.
- 10.Rafiq Hamed
S/o.Hassan Muhamed,
No.75A, Avarapakkam,
Tindivanam,
Villupuram District.
- 11.Rasak
S/o. Abdhul,
No.12/5, Roahanai Pattai,
Tindivanam,
Villupuram District.



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12. Mohamed Irban
S/o. Muhamed Jahangeer,
No.16A/33, R.S.Pillai Street,
Tindivanam,
Villupuram District.

13. Utman
S/o. Mubarak,
No.149, Umarsahip Street,
Tindivanam,
Villupuram District.

14. Shajahan
S/o. Kadhar Basha,
No.30 Rajagopal Nagar,
Santhaimedu, Tindivanam,
Villupuram District.

15. Sathak
S/o. Noormeeran,
Residing at Umarpulavar Street,
Roshanai, Tindivanam,
Villupuram.

16. Sardhar
S/o. Syedibrahim,
NO.88G,P.A.
VU.SA.Nagar,
Santhaimedu, Tindivanam,
Villupuram.

17. Muhamed Hasaruthin Shariff
S/o Sathik Basha,
No.18.21 GH Road,
Murungapakkam,
Tindivanam, Villupuram.



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18.Ansar

S/o, Sirajbasha,
No.30, Rajagopal Nagar,
Santhaimedu, Tindivanam,
Villupuram.

..Petitioner(s)

Vs

The State Rep.by,
The Sub Inspector of Police,
Roshanai Police Station,
Villupuram District.
(Crime No.528 of 2024).

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023 praying to call for the records in S.T.C. No.07 of 2025, on the file of the learned Judicial Magistrate Court No.1, Tindivanam and quash the same by allowing this Criminal Original Petition.

For Petitioners : Mr.H.Thameen Ansari

For Respondent(s): Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C. No.07 of 2025, pending on the file of Judicial Magistrate Court No.I, Tindivanam.



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2. The case of the prosecution is that on 07.11.2024, at about 17.00 hours, the petitioners, who belong to a registered political party, unlawfully assembled and protested against the film Amaran, depicting Kashmiri Muslims as extremists in the movie exhibited in Swasthik Theatre, without permission from the authorities. They were warned and requested to disperse, and not to create disturbance to the public. Hence, a case in Crime No.528 of 2024 registered by the respondent Police for the offences under Sections 223(a) and 189 of BNS, 2023. After completion of investigation, the final report filed and the same has been taken cognizance in S.T.C.No.07 of 2025 for offence under Section 223(a) and 189 of BNS, on the file of Judicial Magistrate Court No.I, Tindivanam.

3. The learned counsel appearing for the petitioners submitted that from the facts of the instant case it is clear, no public lodged any complaint of any disturbance. The admitted position is that all the four listed witnesses are police personnel. Showing protest is a fundamental right, further it is alleged, petitioners were standing in the sides of the road and showing their protest in a democratic way, which is permitted. There is no order produced to show whether there was any restriction. The points raised by the petitioners 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(MD) No.7922 of 2019, decided on 30.08.2019)*, in which the proceedings were quashed for non compliance of procedures. Hence, he prayed to quash the proceedings pending against the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police confirmed, there is no complaint from any public and no materials available to show, on the day of protest there was any proclamation imposing restrictions of assembly.

5. Heard the learned counsel appearing on either side and perused the materials available on record. It is seen, no public lodged any complaint of any disturbance, further there is nothing to show whether any prohibitory order was in force, and proclamation issued following the procedures. Showing protest is a democratic right, guaranteed under Constitution.



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6. In view of the above, this Court is of the opinion that the above facts and decisions would apply in all fours to the present case and that no useful purpose will be served by keeping the proceedings pending and is liable to be quashed.

7. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.T.C. No.07 of 2025 pending on the file of Judicial Magistrate Court No.I, Tindivanam, is hereby quashed in entirety.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
rsi

To

1.The Judicial Magistrate No.I,
Tindivanam.

2.The Sub Inspector of Police,
Roshanai Police Station,
Villupuram District.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

rsi

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