



Crl.O.P.No.6121 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM:

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

Crl.O.P.No.6121 of 2026

and

Crl.M.P.Nos.4511 & 4513 of 2026

Nandhakumar

...Petitioner

Vs.

State rep. by,
The Sub-Inspector of Police,
J-5, Shastri Nagar Police Station,
Besant Nagar, Chennai – 600 090.
Crime No.608 of 2021.

...Respondent

Criminal Original Petition filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records in
C.C.No.264 of 2024 on the file of the Metropolitan Magistrate Court No.IX,
Saidapet, Chennai District and to quash the same.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.S.Udayakumar, GA(Crl. Side)



Crl.O.P.No.6121 of 2026

ORDER

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This criminal original petition has been filed seeking to quash the proceedings pending against the petitioner in C.C.No.264 of 2024 on the file of the Metropolitan Magistrate Court No.IX, Saidapet, Chennai District.

2. Based on the complaint given by one Selvamani, Sub-Inspector of Police, Sastri Nagar Police Station alleging that on 17.12.2021 around 10.15 am., the petitioner/accused, along with 500 members belonging to a party, assembled in a public place and staged a protest without obtaining prior permission in such a manner causing hindrance to the general public by disrupting traffic and that they also used speakers, flags and banners during the protest, an F.I.R in Crime No.608 of 2021 came to be registered for the offences under Sections 143, 269 & 290 of I.P.C, Section 4A(1b) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, Section 71A(1) of the Tamil Nadu City Police Act, 1888 and Section 3 of the Epidemic Diseases Act. Upon completion of the investigation, the Final Report was filed before the Metropolitan Magistrate Court No.IX, Saidapet, Chennai District for the offences under Section 143 of I.P.C, Section 4A(1b) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and Section 71A(1) of the Tamil Nadu City Police Act, 1888 and the same was taken on file in C.C.No.857 of 2023. Subsequently, the proceedings



Crl.O.P.No.6121 of 2026

against the petitioner were split up and continued as C.C.No. 264 of 2024, which is now sought to be quashed.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that this Court, after careful consideration of the materials placed on record, vide detailed common order dated 20.07.2023 made in Crl.O.P.Nos.16084 & 12335 of 2023, quashed the impugned proceedings in respect of the co-accused persons. He further submitted that the allegations against the petitioner are identical in nature and no specific overt act has been attributed against the petitioner. Accordingly, he prayed for quashment of the impugned proceedings in respect of the petitioner herein as well.

4. Learned Government Advocate (Crl. Side) appearing for the respondent-police did not dispute the above submission made by the learned counsel for the petitioner.

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



6. For better appreciation, the relevant portion of the order dated 20.07.2023 made in Crl.O.P.Nos.16084 & 12335 of 2023 by which the prosecution against the co-accused was quashed by this Court is extracted hereunder:

“6. It is clear from the Final Report and also the materials placed before this Court that the accused persons had protested against the ruling party for hike in prices of essential commodities and for not keeping up the election promises. Such protest cannot be called as an unlawful common object as contemplated under Section 141 of I.P.C. Hence the charge under Section 143 of I.P.C against the petitioners is unsustainable. Insofar as the other offences are concerned, there is no allegation against the accused persons that they had pasted any posture or they have fixed any board and in the absence of the same, the offence under the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 will not apply.

7. Insofar as the Tamil Nadu City Police Act, 1888 is concerned, there is no allegation against the accused persons that they used sound amplifiers. In view of the same, that offence is also not made out.

8. In the light of the above discussion, the continuation of the proceedings as against the petitioners will amount to abuse of process of Court which require interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

9. In the result, the proceedings in C.C.No.857 of 2023 on the file of the learned Metropolitan Magistrate, Saidapet,



Crl.O.P.No.6121 of 2026

Chennai are hereby quashed and both these Criminal Original Petitions stand allowed. Consequently, connected miscellaneous petitions are closed.”

7. On a perusal of the above order of this Court, it is clear that the Co-ordinate Bench of this Court had quashed the impugned proceedings in respect of the co-accused by way of a detailed order. When the allegations against the petitioner are identical to that of the co-accused and the impugned proceedings against them has already been quashed by this Court, the continuation of the same against the petitioner alone would amount to abuse of process of law.

8. In view of the above, this criminal original petition stands allowed and the impugned proceedings pending in C.C.No.264 of 2024, on the file of the Metropolitan Magistrate Court No.IX, Saidapet, Chennai District, is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

26.03.2026

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Neutral Citation: Yes/No



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Crl.O.P.No.6121 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

To:

1. The IX Metropolitan Magistrate,
Saidapet, Chennai District.
2. The Sub-Inspector of Police,
J-5, Shastri Nagar Police Station,
Besant Nagar, Chennai – 600 090.
3. The Public Prosecutor,
High Court of Madras.

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