



CRL.O.P.No.5533 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.03.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.5533 of 2026

- 1.Yasar Arafath
- 2.Moideen
- 3.Rasheeth
- 4.Jamaludeen
- 5.Moorthy
- 6.Jayachandran
- 7.Sangupani
- 8.Rajendran
- 9.Balakrishnan
- 10.Elumalai
- 11.Subramani
- 12.Prakash
- 13.Anbazhagan
- 14.Dhanasekaran
- 15.Jagadeesan
- 16.Jaganathan
- 17.Venkatesan
- 18.Jarina Begam
- 19.Salik Kathul
- 20.Sabana Hasmi
- 21.Rahila Banu
- 22.Shiyathi Bee
- 23.Fathima
- 24.Awama
- 25.Ramija
- 26.Shajitha Begam
- 27.Sowmiya



CRL.O.P.No.5533 of 2026

28.Jayalakshmi
29.Ramya
30.Ammoochi
31.Bhuvaneshwari

... Petitioners

vs.

1.The State Represented by
Sub-Inspector of Police,
Vandavasi North Police Station,
Thiruvannamalai District.
Crime No.235 of 2023.

2.Raji, S/o.Arumugam,
Village Administrative Officer,
16, Kaaram Kuroop, Vandavasi Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to STC.No.628 of 2025 on the file of the Judicial Magistrate, Vandavasi and to quash the charge sheet in so far as the petitioners/Accused A1, A3-A5, A10-A12, A14-A16, A18-A21, A24-A40 are concerned.

For Petitioners : Mr.K.C.Karl Marx

For 1st Respondent : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



CRL.O.P.No.5533 of 2026

ORDER

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The petitioners, who are facing trial before the learned Judicial Magistrate, Vandavasi in STC.No.628 of 2025 for offence under Sections 143, 283, 290 & 353 IPC, have filed the above Quash Petition.

2.Gist of the case is that on 29.09.2023 at 11.00 a.m., the petitioners without prior permission from the concerned officials conducted a road roko at Maalaitankuppam Junction near Vandavasi-Kancheepuram Highway demanding house site patta to the landless poor people and caused hindrance to the public transport. On the complaint of the 2nd respondent viz., Village Administrative Officer, the 1st respondent Police registered a case against the petitioners in Crime No.235 of 2023 for offence under Sections 143, 283, 290 & 353 IPC. On conclusion of investigation, charge sheet filed before the trial Court listing LW1 to LW8 and documents.

3.Learned counsel for the petitioners submitted that eight witnesses were cited as LW1 to LW8 and that none of the witnesses stated that the petitioners used force and prevented the Police officers which are



CRL.O.P.No.5533 of 2026

necessary to incriminate the petitioners. He further submitted that the petitioners have not caused any hindrance to the transport as alleged in the FIR and only a demonstration was conducted in a peaceful manner seeking to issue house site patta to the landless poor people. The 1st respondent filed the final report in a hurried manner on 02.10.2023 i.e., within 48 hours which would show that the final report was filed without conducting proper investigation. Further none of the witnesses have stated that they were affected by the protest and that they simply stated that they have seen the protest.

4.The learned counsel for the petitioners submitted that there is nothing to show that on the date of occurrence, there was any prohibitory order in force and whether that order was communicated in the prescribed manner is also not known. The learned counsel further submitted that this Court in the cases of “*Madhan Mohan Versus The State and another in Crl.O.P.Nos.23129 & 23127 of 2019*” on the similar grounds, quashed the proceedings against the accused. Further, in the case of “*Jeevanandham and others Vs. State Rep. by Inspector of Police and another* reported in (2018) 2 LW Crl. 606”, had given an authoritative pronouncement



CRL.O.P.No.5533 of 2026

regarding the cases similar in nature to be registered and investigated, which is violated in this case.

5.The learned counsel for the petitioners further submitted that the petitioners raised slogans and held demonstration against the Government to issue house site patta to the landless poor people, which cannot be construed as unlawful act. Right to Dissent is the Hallmark of Democracy, the petitioners only expressed their displeasure which is their fundamental right. Hence, he prayed for quashing of the proceedings against the petitioners.

6.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that in this case, a complaint was lodged by the 2nd respondent that on 29.09.2023 at 11.00 a.m. the petitioners without prior permission from the concerned officials conducted a road roko at Maalaitankuppam Junction near Vandavasi-Kancheepuram Highway demanding house site patta to the landless poor people and caused hindrance to the public transport and disturbance to the public. Timely intervention of the 1st respondent, further law and problem were averted.



CRL.O.P.No.5533 of 2026

The petitioners without getting permission from the authorities concerned have formed themselves into an unlawful assembly restrained the others and caused public disturbance. On completion of investigation, charge sheet filed in this case.

7.Considering the rival submissions and on perusal of the materials, it is admitted fact that the petitioners were conducted protest which is their fundamental right. In this case, no public lodged a complaint and no public got affected, due to the protest conducted by the petitioners. Hence, this Court finds that the petitioners have only raised slogans and shown protest to issue house site patta to the landless poor people.

8.It is seen that the petitioners had followed the rights provided by the Constitution of India and held the protest under the guise of Constitution. A mere reading of the allegations in the final report, the allegations are general in nature and no specific allegations are made against the petitioners to attract the said provisions. Raising slogans and showing protest itself would not amount to commission of offence.



CRL.O.P.No.5533 of 2026

Showing Protest is the Hallmark of Democracy, which is a fundamental right guaranteed under the Constitution of India.

9.The petitioners raised slogans against the Government to issue house site patta to the landless poor people. Admittedly, in this case, the occurrence took place in a public place, in public view, surprisingly no public or independent witness examined by the prosecution, which causes serious doubt on the veracity of the complaint. The witnesses cited by the prosecution are only passers-by. This Court in the case of ***“Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrI. 606”*** had clearly held that the right to protest to be safeguarded and not to be termed as criminal offence. In this case, there is no material to show that there was any promulgation of prohibitory orders which was communicated to the public and there was any disobedience by the petitioners. Further, in consequence to the protest, the prosecution failed to show whether any trouble occurred. The 1st respondent Police failed to follow the guidelines issued by this Court in ***Jeevanandham*** (Cited Supra). In several this type of cases, this Court quashed the investigation against the accused on similar ground. In these



CRL.O.P.No.5533 of 2026

circumstances, the continuation of trial for offence under Sections 143, 283, 290 and 353 IPC is wholly unsustainable and constitutes a clear abuse of the process of law, warranting interference of this Court.

10. In the result, this Criminal Original Petition is allowed and the proceedings in STC.No.628 of 2025 on the file of the Judicial Magistrate, Vandavasi is hereby quashed as against the petitioners.

16.03.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
vv2

To

1. The Judicial Magistrate,
Vandavasi.
2. The Sub-Inspector of Police,
Vandavasi North Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.



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CRL.O.P.No.5533 of 2026

M.NIRMAL KUMAR, J.

vv2

CRL.O.P.No.5533 of 2026

16.03.2026