



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 9438 of 2026

CrI.M.P.No.6667 of 2026

1. Vasandhamani
2. Rohini
3. Jeevitha
4. Sundaravadivu
5. Yasodha
6. Eswari Ponnusamy
7. Shanthakumar
8. Muthukumar
9. Rameshkumar
10. Saravanamuthu

..Petitioner(s)

Vs

1. The State rep.by,
The Inspector of Police,
Nallur Police Station,
Tiruppur District.
2. N.Gunasekaran
The Inspector of Police,
Nallur Police Station,
Tiruppur.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleased to call for the records in Cr.No.509 of 2025 pending in the file of respondent police.

For Petitioner(s):

Mr.T. Mohan, Senior counsel for
Mr.R.Prabakar

For Respondent(s):

M/s. Leonard Arul Joseph Selvam
Additional Public Prosecutor for R1



ORDER

This Criminal Original Petition is filed to call for the records relating to the Cr.No.509 of 2025 on the file of the respondent Police and quash the same.

2.Gist of the case is that on 02.09.2025 at 07.00 a.m., the petitioners without prior permission from the concerned officials conducted a road roko at Kangeyam Main Road, against Tiruppur Corporation regarding the disposal of garbage waste at Senthil Nagar Paaraikuzhi and caused hindrance to the public transport. On the complaint of the 2nd respondent, the 1st respondent Police registered a case against the petitioners in Crime No.509 of 2025 for offences under Sections 189 (3) and 126 (2), of the BNS 2023.

3.The learned counsel for the petitioners submitted that petitioners have not caused any hindrance to the transport as alleged in the FIR and only a demonstration was conducted in a peaceful manner. 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 regarding the cases similar in nature to be registered and investigated, which is violated in this case.

4..The learned counsel for the petitioners further submitted that the petitioners raised slogans and held demonstration regarding dumping of garbage near their house sites, 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.

5.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 02.09.2025 at 07.00 a.m., the petitioners without prior permission from the concerned officials conducted a road roko at Kangeyam Main Road, against Tiruppur Corporation regarding the disposal of garbage waste at Senthil Nagar Paaraikuzhi and caused hindrance to the public transport and disturbance to the public. Timely intervention of the 1st respondent, further law and problem were averted. The petitioners without getting permission from the authorities concerned have formed themselves into an unlawful assembly restrained the others and caused public disturbance.



6. 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 against the disposal of garbage waste at Senthil Nagar Paaraikuzhi.

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

8. 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. This Court in the case of “*Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrL. 606*” had clearly held that the right to protest to be safeguarded and not to be termed as criminal offence. In



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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 circumstances, the continuation of trial for offence under Sections 189 (3) and 126 (2), of the BNS 2023 is wholly unsustainable and constitutes a clear abuse of the process of law, warranting interference of this Court.

9. In the result, this Criminal Original Petition is allowed and the proceedings in Cr.No.509 of 2025 on the file of the respondent Police is hereby quashed as against the petitioners. Consequently, connected Miscellaneous Petition is closed.

24-04-2026

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CRL OP No. 9438 of 2



M.NIRMAL KUMAR, J.

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To

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Nallur Police Station,
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2. N.Gunasekaran
The Inspector of Police,
Nallur Police Station,
Tiruppur.
3. The Public Prosecutor
High Court of Madras.

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