



WEB COPY

CRL OP No. 7093 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 7093 of 2026

CrI.M.P.No.5151 of 2026

Vasanth

..Petitioner(s)

Vs

1. The State Rep.by, The Inspector of Police,
Nallur Police Station,
Tiruppur City,
Tiruppur District.
2. Gunasekaran
The Sub-Inspector of Police,
Nallur Police Station,
Tiruppur City,
Tiruppur District.

..Respondent(s)

Prayer:- Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, pleaded to call for the records in Crime no 512 of 2025 pending in the file of 1st respondent police and quash the same and thus render justice.

For Petitioner(s):

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.512 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 08.45 a.m., the petitioner without prior permission from the concerned officials indulged in 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. It is alleged that petitioner took out a water can filled with petrol and poured on his head and attempted suicide, however, he was rescued. On the complaint of the 2nd respondent, the 1st respondent Police registered a case against the petitioner in Crime No.512 of 2025 for offences under Sections 226 and 126 (2), of the BNS 2023.

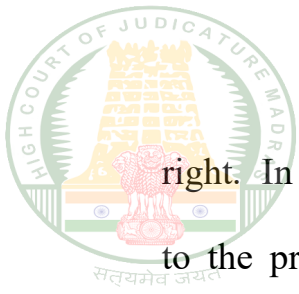
3.The learned counsel for the petitioner submitted that petitioner has not caused any hindrance to the transport as alleged in the FIR and only a demonstration was conducted in a peaceful manner. The learned counsel for the petitioner submitted that there is nothing to show that on the date of occurrence, 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 petitioner further submitted that the petitioner 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 petitioner only expressed his displeasure which is their fundamental right. Hence, he prayed for quashing of the proceedings against the petitioner.

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 08.45 a.m., the petitioner 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. He further submitted that the petitioner attempted suicide by pouring petrol on him and subsequently, he was rescued. Timely intervention of the 1st respondent, further law and problem were averted. The petitioner without getting permission from the authorities concerned have formed himself 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 petitioner was conducted protest which is his fundamental



right. In this case, no public lodged a complaint and no public got affected, due to the protest conducted by the petitioner. Hence, this Court finds that the petitioner has only raised slogans and shown protest against the disposal of garbage waste at Senthil Nagar Paaraikuzhi.

7.It is seen that the petitioner has 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 petitioner 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 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 petitioner. 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 226 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.512 of 2025 on the file of the respondent Police is hereby quashed as against the petitioner. Consequently, connected Miscellaneous Petition is closed.

24-04-2026

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M.NIRMAL KUMAR, J.

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To

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Tiruppur District.
2. Gunasekaran
The Sub-Inspector of Police,
Nallur Police Station,
Tiruppur City,
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3. The Public Prosecutor
High Court of Madras.

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