



CRL.O.P.No.7380 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7380 of 2026

1.Ponmani
2.Manickan
3.Thamilvanan
4.Esau
5.Aruldass @ Dass

... Petitioners

vs.

1.State Rep. by
The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

2.C.V.Rajendiran,
The Sub Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records pertaining to the charge sheet in C.C.No.87 of 2020 on the file of the Judicial Magistrate No.I, Krishnagiri, Krishnagiri District and quash the same.



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For Petitioners : Mr.P.Saravanan
For R1 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

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ORDER

The petitioners, who are facing trial in C.C.No.87 of 2020 before the learned Judicial Magistrate No.I, Krishnagiri for offence under Sections 143 & 341 IPC, have filed the Quash Petition.

2.Gist of the case is that the 1st & 2nd petitioners, Former Panchayat Presidents along with 20 men assembled together in front of the Fair Price Shop, Kandhikuppam and held a protest against the price hike of sugar by two times and non-supply of Urad dal to the public in the Fair Price Shops and raised slogans against the Government without any permission. Despite the 1st respondent Police asked the protesters to disperse, they failed to do so. Hence, the 1st respondent Police arrested the protesters, registered FIR in Crime No.384 of 2017 for offence under Sections 143 & 188 IPC. On completion of investigation, charge sheet filed before the trial Court listing LW1 to LW6 and documents and C.C.No.87 of 2020 assigned.



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3.The contention of the petitioners is that in this case, except LW5,

all other witnesses are public servants and no private person was examined and cited as witness during investigation. The case of the prosecution is that the petitioners assembled in front of the Fair Price Shop, Kandhikuppam and held a protest against the price hike of sugar by two times and non-supply of Urad dal to the public in the Fair Price Shops and raised slogans against the Government. It is highly improbable that no public witness was present in the place of occurrence and no reason has been given for non examination of public witnesses. In this case, the FIR was registered for offence under Section 188 IPC. As per Section 188 IPC, only the public servant is authorized to lodge a complaint and Section 195 Cr.P.C is clear embargo as to how a complaint to be registered and investigated by the Police for offence under Section 188 IPC. In this case, there is no complaint from the public servant. Hence, the registration of the FIR its void *ab initio* and continuing the investigation for other offences is also not permitted.

4.The learned counsel for the petitioners submitted that this Court in catena of judgments have clearly held that the police personnel are not



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empowered to register an FIR under Section 188 IPC. 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 to be registered and investigated under Section 188 IPC and also issued certain guidelines, 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 for the ineffectiveness in distribution of ration articles, 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.



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6.The learned Additional Public Prosecutor appearing for the respondents submitted that in this case, the 1st & 2nd petitioners, Former Panchayat Presidents along with 20 men assembled together in front of the Fair Price Shop, Kandhikuppam and held a protest against the price hike of sugar by two times and non-supply of Urad dal to the public in the Fair Price Shops and raised slogans against the Government without any permission. Timely intervention of the respondents, 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. On completion of investigation, charge sheet has been filed in this case.

7.Considering the rival submissions and on perusal of the materials, it is seen that the petitioners have only raised their objection with regard to the shortage and non supply of ration articles to the general public and sugar price hike. The purpose for having a ration shop is to make available the essential items for the needy persons, at affordable price. The pulses are the daily cooking needs of the general public and for the shortage and non supply, they have shown their displeasure.



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Raising slogans against the Government itself would not amount to any commission of offence, which is a fundamental right under Constitution of India.

8.From the statement of the witnesses, it is seen that LW1 to LW6 present in the scene of occurrence and according to them, the petitioners raised slogans against the Government and with regard to shortage of non supply of ration articles, they did not do anything more. Admittedly in this case, the occurrence had taken place in the public place and view, no public or independent witness examined by the prosecution, which causes serious doubt on the veracity of the complaint. Further, 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 police officials are not empowered to register a case under Section 188 IPC and th same is barred under Section 195 Cr.P.C. There is no material to show that there was any promulgation of any prohibitory order 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 injuries occurred. Thus, the respondent



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Police did not follow the guidelines issued by this Court in

Jeevanandham (Cited Supra). In several cases, this Court quashes the proceedings against the accused/protesters on the similar ground.

9.In the result, the proceedings in C.C.No.87 of 2020 on the file of the Judicial Magistrate No.I, Krishnagiri is hereby quashed against the petitioners. This Criminal Original Petition is allowed accordingly.

24.03.2026

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

1.The Judicial Magistrate No.I,
Krishnagiri.

2.The Inspector of Police,
Kandhikuppam Police Station,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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