



CRL.O.P.No.7018 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.03.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7018 of 2026 and
CrI.M.P.No.5057 of 2026

1.R.Gunasekaran.
2.R.Balamurugan
3.K.Kannamani
4.R.Elaiyaraja
5.E.Thitumoorthy
6.A.Rajavel
7.A.Sabarirajan
8.R.Seeman
9.T.Saranraj
10.S.Vijayakumar
Senthamilselvan (Died)
Elaiyaraja (Died)
11.A.Vijay
12.M.Ramesh
13.R.Ramesh

... Petitioners

vs.

1.The State Rep By
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.

2.V.Baskar,
Village Administrative Officer,
Sendurai, Ariyalur District.

... Respondents



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PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to the FIR in Crime No.65 of 2017 on the file of the Inspector of Police, Sendurai Police Station, Ariyalur District and quash the same in its entirety as against the petitioners.

For Petitioners : Mr.P.Venkatesan

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

ORDER

The petitioners, who are accused in FIR in Crime No.65 of 2017 for offence under Sections 143, 341 & 188 IPC on the file of the 1st respondent Police, have filed the Quash Petition.

2.Gist of the case is that the 2nd respondent, Village Administrative Officer lodged a complaint against the petitioners stating that on 07.02.2017 at 06.30 p.m. in the evening, the 2nd respondent and his Assistant were on duty, they received an information that the 1st petitioner, Perambalur and Ariyalur District Hindu Munnani Organizer along with other accused were sitting on Senthurai-Ariyalur State Highway road obstructing traffic and the general public and raised

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slogans. The 2nd respondent and his Assistant reached the place of occurrence and asked the protesters to disperse, but they failed to do so.

On the complaint of the 2nd respondent, the 1st respondent Police registered a case in Crime No.65 of 2017 for offence under Sections 143, 341 & 188 IPC against the petitioners.

3.The learned counsel for the petitioner submitted that the petitioners shown their protest in a democratic manner which is a right guaranteed under the Constitution of India. The petitioners along with others held protest in the corner of the road. It is not the case that the petitioners and others blocked the free movement of traffic and caused any inconvenience to the general public. The learned counsel further submitted that this Court in catena of judgments have clearly held that the Police personnel are not 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



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grounds, quashed the investigation 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. 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 investigation against the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the 1st petitioner, Perambalur and Ariyalur District Hindu Munnani Organizer along with other accused were sitting on Senthurai-Ariyalur State Highway road obstructing traffic and the general public and raised slogans. On the complaint of the 2nd respondent, the 1st respondent Police registered a case in Crime No.65 of 2017 for offence under Sections 143, 341 & 188 IPC against the petitioners. Only during investigation, the contention of the learned counsel for the petitioners are to be decided and hence, he prayed for



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dismissal of this petition.

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5.Considering the rival submissions and on perusal of the materials, it is seen that the petitioners have only raised their objection in a democratic manner which is a right guaranteed under the Constitution of India. Raising slogans against the Government itself would not amount to any commission of offence, which is a fundamental right under Constitution of India. Admittedly in this case, the occurrence had taken place in the public place and view, no public or independent witness cited, 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 the 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 1st respondent Police did not follow



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the guidelines issued by this Court in *Jeevanandham (Cited Supra)*. In several cases, this Court quashes the FIR against the accused/protesters on the similar ground.

6.In view of the above, the FIR in Crime No.65 of 2017, on the file of the 1st respondent Police, is hereby quashed against the petitioners and other accused, who are similarly placed. Accordingly, this Criminal Original Petition is allowed.

23.03.2026

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

1.The Inspector of Police,
Sendurai Police Station,
Ariyalur District.

2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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