



CrI.O.P.No.7887 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7887 of 2026

1.Saffik Ahamed
2.Farook Abdulla
3.Cell Haja @ Haja Mohideen
4.Abdul Hakkim

... Petitioners

Vs.

The State Rep., by
The Sub Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
(Crime No.139 of 2025)

... Respondent

Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 to call for the records FIR in Crime No.139 of 2025 dated 20.03.2025 on the file of the respondent police and quash the same as against the petitioners.

For Petitioners : Mr. H. Thameen Ansari

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



CrI.O.P.No.7887 of 2026

ORDER

WEB COPY

The petitioners, who are accused in FIR in Crime No.139 of 2025 for offences under Sections 189(2) & 126(2) BNS on the file of the respondent police, have filed the Quash Petition.

2. The gist of the case is that the respondent / complainant lodged a complaint against the petitioners stating that on 20.03.2025 at 10.00 a.m., the respondent and other police officers were patrolling near Annajirav Road. At that time, the petitioners and other accused were protesting against the ED police officials in connection with a raid at the residence of the SDPI District General Secretary. The petitioners and other accused had conducted the protest without obtaining due permission from the authorities. Based on the complaint of the respondent, a case in Crime No.139 of 2025 for offences under Sections 189(2) & 126(2) BNS 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 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 petitioners and other accused were protesting against the ED police officials in connection with a raid at the residence of the SDPI District General Secretary. The petitioners and other accused had conducted the protest without obtaining due permission from the authorities. On the complaint of the respondent, the respondent Police registered a case in Crime No.139 of 2025 for offences under Sections 189(2) & 126(2) BNS against the petitioners. Only during investigation, the contention of the learned counsel for the petitioners are to be decided and hence, he prayed for dismissal of this petition.

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***



Crl.O.P.No.7887 of 2026

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 respondent Police did not follow 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.139 of 2025, on the file of the respondent Police, is hereby quashed against the petitioners and other accused, who are similarly placed. Accordingly, this Criminal Original Petition is allowed.

27.03.2026

Neutral Citation: Yes/No
AT



WEB COPY



Crl.O.P.No.7887 of 2026

M.NIRMAL KUMAR, J.

AT

To

1.The Sub Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.

2.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7887 of 2026

27.03.2026

6/6