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CRL OP No. 12244 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 12244 of 2026
and Crl.M.P.No.8535 of 2026**

K.Krishnasamy
S/o.Kandasamy,
No.9, Mullai Avenue,
Sakthi Nagar East,
Tower Line Road, Thindal,
Erode - 638012.

..Petitioner(s)

Vs

The State Rep. by The Sub Inspector of Police,
Erode Town Police Station,
Erode District.
Crime No.16/2024

..Respondent(s)

Criminal Original Petition is filed under Section 528 BNSS to call for records and quash the Charge Sheet in S.T.C.No.1283/2025 on the file of Judicial Magistrate - II, Erode and thus render justice.

For Petitioner(s):

M/s.T.Gandhi

For Respondent(s):

Mr.R.Rajasekaran
Counsel for Govt. of Tamil Nadu
(Criminal Side)



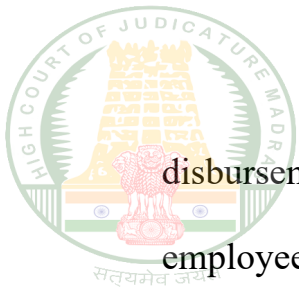
ORDER

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The petitioner / A15 facing trial in S.T.C.No.1283 of 2025 for the offence under Section 147 and 341 IPC pending trial before the learned Judicial Magistrate – II, Erode, had filed this quash petition.

2. The case of the prosecution is that on 10.01.2024 the petitioner along with other 47 persons belonging to State Transport Corporation having allegiance to AITUC and CITU, have assembled in front of a bus depot and formed an unlawful assembly causing inconvenience to the public movement and vehicle raising six demands which has not been implemented as agreed by the Management earlier. The respondent police had warned the petitioner and other protestors to move away from the place and not to cause obstruction. Despite the same, they continue to raise slogans and protest. Hence, charge sheet has been filed against them by listing four witnesses.

3. The learned counsel of the petitioner submitted that the petitioner along with the retired Drivers, Conductors and other employees of the State Transport Corporation, had demanded the payment of their retiral and other benefits. Though they raised six demands and it was earlier agreed, the same was not paid. Hence, there was dispute with regard to disbursement of retiral benefits between the State Transport Corporation and the protestors. Due to non-



disbursement of amount, the petitioner's family and the families of other employee suffered greatly. The protest was only a democratic means of expressing their grievance and was conducted in front of the depot gate to draw attention to the issue and to sensitize the officials to release their terminal benefits.

4. The learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that when the respondent police was on a patrol duty they found 48 former employees of the State Transport Corporation obstructing the movement of public vehicle and raising slogans. Despite they were asked to disperse, they continued their protest and by timely intervention of the respondent, further law and problem was averted. The petitioner and others 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 was filed.

5. Considering the rival submissions and on perusal of the materials, it is admitted fact that the petitioner along with retired co-employees gathered together which is their fundamental right. In this case, no public lodged a complaint and no public got affected, due to the unlawful assembly by the petitioners. Hence, this Court finds that the petitioner and others have unlawfully assembled together only to raise protest against the State Transport

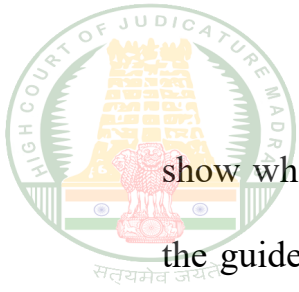


Corporation demanding their retiral benefits.

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6. It is seen that the petitioner and others have 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 final report, the allegations are general in nature and no specific allegations are made against the petitioner and the others to attract the said provisions. Unlawful assembly itself would not amount to commission of offense. 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.

7. 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. The witnesses cited by the prosecution are only passers-by. This Court in the case of *Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW CrI. 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 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 147, 341 IPC is wholly unsustainable and constitutes a clear abuse of the process of law, warranting interference of this Court.

8. In the result, this Criminal Original Petition is allowed and the proceedings in STC.No.1283 of 2025 on the file of the learned Judicial Magistrate-II, Erode, is hereby quashed in entirety against all the 48 persons including the petitioner. Consequently, the connected miscellaneous petition is closed.

08-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

BKN

To:

1. The Sub Inspector of Police,
Erode Town Police Station,
Erode District.
Crime No.16/2024

2. Judicial Magistrate-II, Erode

3. Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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