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CRL OP No. 14263 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

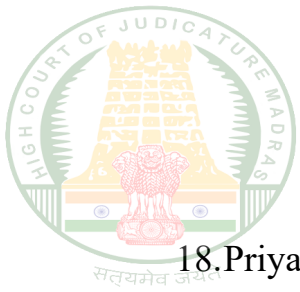
DATED: 08-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 14263 of 2026
and CRL.MP.Nos.9159 and 9157 of 2026**

1. Mani
2. Balamurugan
3. Kalpana
4. Mohamad Ali
5. Yuvaraj
S/o.Govindharaj
6. Yuvaraj
S/o.Mani
7. Chandrasekar
8. Kannan
9. Prabhakaran
- 10.Sekar
- 11.Krishnakumar
- 12.Saravanan
- 13.Saravanakumar
- 14.Madhaiyan
- 15.Dhanapal
- 16.Gobu
- 17.Sureshkumar



18.Priya

19.Senabai

20.Thamayanthi

21.Rajamani

22.Gunamohanraj

23.Hari

24.Madeshwaran

25.Santhanagopal

..Petitioner(s)

Vs

The State
Rep. by Inspector of Police,
Bhavani Police Station,
Erode District.
In Cr.No.97 of 2025

..Respondent(s)

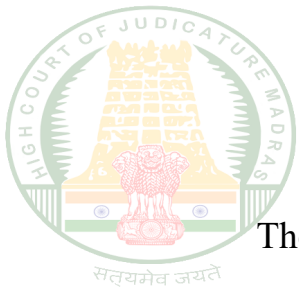
To call for the records culminating in S.T.C.No.201 of 2025, pending on the file of the Learned Judicial Magistrate No.1, Bhavani, Erode District and to QUASH the same and pass such further order or other Orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner(s):

Mr.S.Bharanidharan

For Respondent(s):

Mr.A.Amarnath,
Government Advocate (Crl. Side)

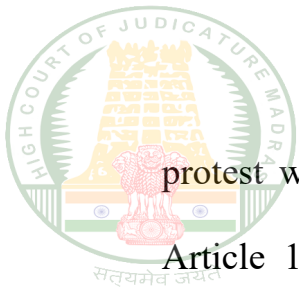
**ORDER**

The petitioners, who are facing trial in S.T.C.No.201 of 2025 for the offences punishable under Sections 189(2), 126(2) of the BNS, have filed this petition to quash the proceedings.

2. The case of the prosecution is that on 19.02.2025 at about 10.30 a.m., on the Bhavani-Thoppur National Highway (NH-544), opposite to Bhavani Mani Hospital, the petitioners, along with others, assembled and staged a protest demanding speedy completion of the road repair works and also obstructed the free movement of traffic on the National Highway. Hence, a case has been registered against the petitioners.

3. The learned Government Advocate (Crl. Side) submitted that now investigation has been completed and a final report has been filed citing eight witnesses. According to him, the petitioners obstructed the free movement of traffic in the National Highway near Bhavani Mani Hospital. Despite warnings issued by the Police, they had continued their protest, thereby causing obstruction to vehicular movement.

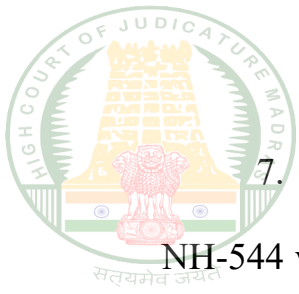
4. The learned counsel for the petitioners submitted that the petitioners had merely participated in a peaceful public demonstration raising genuine grievances to relating the poor condition of the road and the public safety. The



protest was democratic in nature and is protected under Article 19(1)(a) and Article 19(1)(b) of the Constitution of India. He further submitted that the ingredients to attract the offences under Sections 189(2) and 126(2) of BNS are wholly absent in the present case. He further submitted that the alleged protest had not caused any obstruction to the public movement or inconvenience to any one of the public.

5. In reply, the learned Government Advocate (Crl. Side) fairly submitted that the petitioners had assembled as a group, raised demands for restoration of the road, removal of potholes and relaying of the damaged road. After staging the demonstration, they peacefully dispersed from the place.

6. Considering the submissions made on either side and perusal of materials, it is seen that the de facto complainant, who is an Engineer connected with road project, along with his associates and Police officials, have been cited as witnesses. In this case admittedly no independent witness or any public has been examined to show that there was obstruction of traffic movement of vehicle. Further, no person from the Bhavani Mani Hospital, which is near the protest place, was called and enquired about the obstruction of traffic movement.



7. The admitted position is that Bhavani-Thoppur National Highway, NH-544 was in a damaged condition with several potholes, causing hardship to road users and damage to the vehicles. Therefore, the local residents held a protest and later dispersed peacefully. Mere participation in a peaceful democratic protest cannot, by itself, be construed as an unlawful act attracting criminal liability. Moreover, no road user or vehicle owner has come forward with any complaint alleging that he or she suffered inconvenience or loss on account of the protest.

8. 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*** has issued certain guidelines regarding the registration and prosecution of cases arising out of public protests and demonstrations, which reads as follows:

"25. In view of the discussions, the following guidelines are issued insofar as an offence under Section 188 of IPC, is concerned:

a) A Police Officer cannot register an FIR for any of the offences falling under Section 172 to 188 of IPC.

b) A Police Officer by virtue of the powers conferred under Section 41 of Cr.P.C will have the authority to take action under Section 41 of Cr.P.C., when a cognizable offence under Section 188 IPC is committed in his presence or where such action is required, to prevent such person from committing an offence under Section 188 of IPC.



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c) The role of the Police Officer will be confined only to the preventive action as stipulated under Section 41 of Cr.P.C and immediately thereafter, he has to inform about the same to the public servant concerned/authorised, to enable such public servant to give a complaint in writing before the jurisdictional Magistrate, who shall take cognizance of such complaint on being prima facie satisfied with the requirements of Section 188 of IPC.

d) In order to attract the provisions of Section 188 of IPC, the written complaint of the public servant concerned should reflect the following ingredients namely;

i) that there must be an order promulgated by the public servant;

ii) that such public servant is lawfully empowered to promulgate it;

iii) that the person with knowledge of such order and being directed by such order to abstain from doing certain act or to take certain order with certain property in his possession and under his management, has disobeyed;
and

iv) that such disobedience causes or tends to cause;

(a) obstruction, annoyance or risk of it to any person lawfully employed; or

(b) danger to human life, health or safety; or

(c) a riot or affray.

e) The promulgation issued under Section 30(2) of



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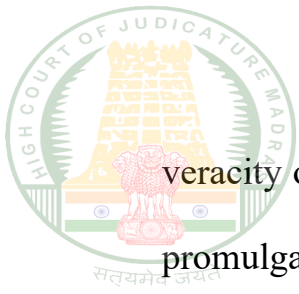
the Police Act, 1861, must satisfy the test of reasonableness and can only be in the nature of a regulatory power and not a blanket power to trifle any democratic dissent of the citizens by the Police.

f) The promulgation through which, the order is made known must be by something done openly and in public and private information will not be a promulgation. The order must be notified or published by beat of drum or in a Gazette or published in a newspaper with a wide circulation.

g) No Judicial Magistrate should take cognizance of a Final Report when it reflects an offence under Section 172 to 188 of IPC. An FIR or a Final Report will not become void ab initio insofar as offences other than Section 172 to 188 of IPC and a Final Report can be taken cognizance by the Magistrate insofar as offences not covered under Section 195(1)(a)(i) of Cr.P.C.

h) The Director General of Police, Chennai and Inspector General of the various Zones are directed to immediately formulate a process by specifically empowering public servants dealing with for an offence under Section 188 of IPC to ensure that there is no delay in filing a written complaint by the public servants concerned under Section 195(1)(a)(i) of Cr.P.C.

9. Admittedly, the present occurrence is alleged to have taken place in a public place, in public view, however, no public or independent was witness examined by the prosecution, which creates a serious doubt regarding the

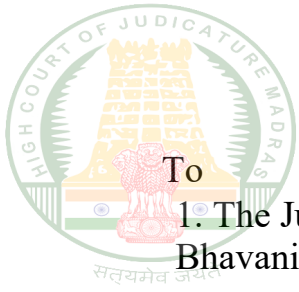


veracity of the complaint. There is also no material to show that there was any promulgation of prohibitory orders which was communicated to the public and there was any disobedience by the petitioners. Further, in consequence to the protest, the prosecution failed to show whether any trouble occurred. Further, the respondent Police failed to follow the guidelines issued by this Court in *Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW Crl. 606*. In several cases, this Court quashed the proceedings against the accused/protesters for conducting peaceful public protests.

10. In view of the above, the proceedings in S.T.C.No.201 of 2025, pending on the file of the Learned Judicial Magistrate No.1, Bhavani, Erode District is quashed in its entirety. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

08-06-2026

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



To

1. The Judicial Magistrate No.1,
Bhavani, Erode

2. The Inspector of Police,
Bhavani Police Station,
Erode District.
In Cr.No.97 of 2025

3. The Public Prosecutor,
High Court, Madras.

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M.NIRMAL KUMAR, J.

PVS

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