



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-06-2026

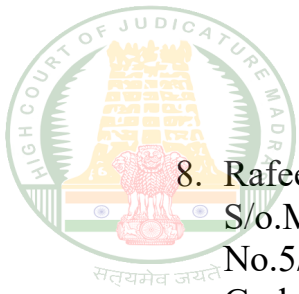
CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 14977 of 2026
and CrI.M.P.No.9586 & 9587 of 2026**

1. Abdul Basheer
S/o.Abdul Azeez,
No.11/207, Chempala,
Gudalur.
2. Siddhik
S/o.Sainudheen,
No.11/278, Thuppukutty Pettai,
Gudalur.
3. Abdul Rahuman
S/o.Aali,
No.12/1044, First Mile,
Gudalur.
4. Jaffar
S/o.Abdul Azeez,
Kasimvayal,
Gudalur.
5. Abdul Kaboor
S/o.Abdul Azeez,
No.13/341, Kasimvayal,
Gudalur.
6. Mujib
S/o.Abu,
No.2/242, Upper Gudalur,
Gudalur.
7. Ferosh Khan
S/o.Hasan,
No.13/468, Kasimvayal,
Gudalur

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8. Rafeek
S/o.Mohammed,
No.5/86, Chugam,
Gudalur.

9. Mohammed Ali
S/o.Ummar,
Micka Mount, Devarsholai Road,
Gudalur.

10. Anwar Sathik
S/o.Unni Kutty,
No.12/735, Vandipettai,
Gudalur.

..Petitioner(s)

Vs

State rep by its The Sub-Inspector of Police,
Gudalur Police Station,
The Nilgiris District.
Cr.No.264/2025

..Respondent(s)

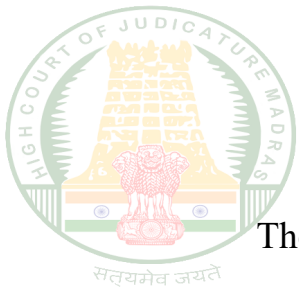
Criminal Original Petition is filed under Section 528 of BNSS to call for the records relating to the case in STC.No.5 of 2026 on the file of the Court of Judicial Magistrate, Gudalur and QUASH the same as illegal and without jurisdiction and thus render justice.

For Petitioner(s):

Mr.I.Abdul Basith

For Respondent(s):

Mr.A.Amarnath
Counsel for Govt. of Tamil Nadu

**ORDER**

The present Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.5 of 2026 pending on the file of the Judicial Magistrate, Gudalur.

2.The case of the prosecution is that on 01.10.2025 at about 08.00 p.m., the petitioners unlawfully assembled and protested against the State Government condemning the Forest Department for its negligence and indifferent attitude and inaction towards increasing wildlife incursions and their disregard for human life and safety. Therefore, a case in Crime No.264 of 2025 was registered by the respondent Police for the offences under Sections 189(2), 126(2) and 287 BNS. After completion of investigation, the final report has been filed and the same has been taken cognizance in S.T.C.No.5 of 2026 on the file of the Judicial Magistrate, Gudalur.

3.The petitioner, the villagers for the inaction of the forest officials to save the village from the menace of the wild and for not taking effective steps to save the wild and restrict their movement to the human habitat, despite several petitions and representations, left with no other option to show their protest, gain attention of the officials, to act immediately to save the villagers and village, they held a peaceful protest which is their fundamental right enshrined in Constitution which cannot be termed as offence. The petitioners' right are

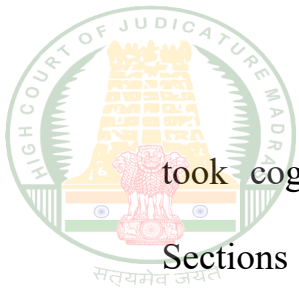


guaranteed under Article 14, 19, 20(1) and 21 of Constitution of India.

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4.Learned counsel appearing for the petitioners submitted that the facts of the instant case are similar to the facts of the cases in ***Jeevanandham and others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District*** reported in (2018 2 LW (Crl) 606) and ***Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and others (Crl.O.P(MD) No.7922 of 2019, decided on 30.08.2019)***, in which the proceedings were quashed. Hence, he prayed to quash the proceedings pending against the petitioners.

5.Learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that earlier the 1st petitioner sought permission for a protest rally which was rejected by the Deputy Superintendent of Police citing 30(2) of Police Act. Further, the protest will affect the movement of Tourist from the State of Kerala and Karnataka. This rejection order served on 01.10.2025. The Police were keeping a watch in the area at about 8.00 p.m. The petitioners belong to SDPI Political party assembled violating the prohibitory order, caused obstruction for free movement of public and vehicles, raised slogans, hence, a case registered, investigation conducted, statement of witnesses recorded and charge sheet filed listing LW1 to LW7 with materials before the learned Judicial Magistrate, Gudalur. The learned Magistrate. on perusal of the charge sheet,



took cognizance on 08.01.2026 in S.T.C.No.5 of 2026 for offence under Sections 189(2), 126(2) & 287 of BNS. The points raised by the petitioner are factual in nature which has to be decided only during trial, hence, he seeks dismissal of this petition.

6.Considering the submissions and on perusal of the materials, it is seen that the petitioners resident of Gudalur village earlier made a request to hold a protest against the forest officials for not taking steps to save the residents of Gudalur from the attack of wild forest animals. The residents gave several representations but no action by the forest officials. The residents of Gudalur suffered life and property damage and they were residing in fear. Hence, they sought permission to hold peaceful protest to gain attention of officials. Showing protest is a hallmark of democratic right. In this case, the petitioners about ten in number had shown protest and raised slogans, nothing more. In this case, the specific allegation is that they obstructed movement of public, tourist and vehicles. From the charge sheet, out of seven listed witnesses, five are Police personnels, except LW5 Murugan and LW6 Rajan who are running a Bakery who are at the mercy of Police. Further, it is alleged that the petitioners were carrying burning torch, nothing seized. No public made any complaint of any disturbance. Showing protest cannot straightway be termed as commission of any offence. The petitioners were only holding protest in a democratic manner on the side of the road to save them and their property from wild attack.



Thus, taking the complaint and the materials, uncontroverted as a whole, then to no offence is made out.

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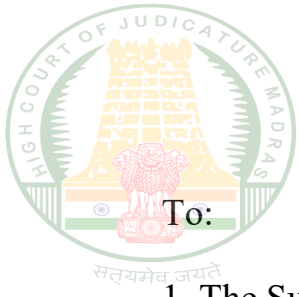
7. In view of the above narration and following the principle of the above decisions, no purpose will be served by keeping the proceedings pending. Hence, the proceedings against the petitioners is liable to be quashed.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.T.C.No.5 of 2026 pending on the file of the Judicial Magistrate, Gudalur, is hereby quashed against the petitioners. Consequently, the connected miscellaneous petitions are closed.

15-06-2026

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

BKN



To:

1. The Sub-Inspector of Police,
Gudalur Police Station,
The Nilgiris District.
Cr.No.264/2025

2. Judicial Magistrate, Gudalur.

3. Public Prosecutor,
Madras High Court.



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CRL OP No. 14977 of 2



M.NIRMAL KUMAR, J.

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15-06-2026