



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

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THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 15648 of 2026
and
CRL MP Nos.10202 & 10203 of 2026**

1. Thirukkachur Arumugam Ex.MLA
2. Vasu
3. Mahadevan
4. Dhanush @ Dhanasekaran
5. Suresh
6. Sathish
7. Karthick
8. Kumar
9. Subramani

..Petitioners

Vs

1. The State rep.by,
The Inspector of Police,
E1 Mamallapuram Police Station,
Chengalpet District.
Crime No.182 of 2013
2. N.C.Sarathy
Inspector of Police,
Mamallapuram Police Station,
Mamallapuram,
Chengalpet district.

..Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the Charge Sheet in S.C.No.33 of 2022 on the file of learned Principal District and Sessions Court, Chengalpet and quash the same.



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For Petitioners:

Mr.M.R.Jothimanian
for Mr.K.Balu

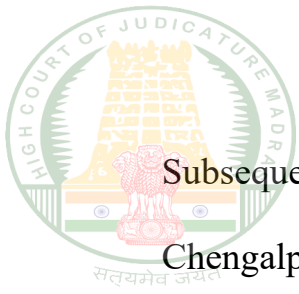
For Respondents:

Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side) for R1

ORDER

The petitioners, who are accused in S.C.No.33 of 2022, for offences under Sections 447, 295(A) and 188 I.P.C., read with Section 3(i)(1)(iv) of Ancient Monuments and Archeological Sites and Remains Act, 1958, read with Section 3 of TNPPDL Act, respectively, have filed the quash petition.

2.The gist of the case is that on 25.04.2013, the first petitioner obtained temporary permission to conduct a public meeting in Mamallapuram from 05.00 p.m. to 10.00 p.m. However, some of the petitioners, who participated in the said meeting, allegedly violated the instructions of the District Police Enforcement by entering the protected the ancient monuments archaeological site at the Mamallapuram Shore Temple. They hoisted a party flag on the temple premised and caused physical damage to the structure. Hence, case in Crime No.182 of 2013 was registered against them for offences punishable under Sections 447, 295(A) and 188 I.P.C., read with Section 3(i)(1)(iv) of Ancient Monuments and Archaeological Sites and Remains Act, 1958, read with Section 3 of TNPPDL Act and thereafter, a final report was filed before the District Munsif-cum-Judicial Magistrate Court, Thirukkazhukundram.



Subsequently, the case was committed to the Principal District Sessions Court, Chengalpet, where it was numbered as S.C.No.33 of 2022.

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3. Seeking to quash the aforesaid proceedings, the petitioners are before this Court with this Criminal Original Petition.

4. The contention of the petitioners is that the first petitioner viz., Thirukkachur Arumugam is the Ex.MLA of Pattali Makkal Katchi (PMK) and the other petitioners are office bearers of the said Political Party. The first petitioner got permission to conduct public meetings from the respondent Police and thereby, the meeting was conducted and the same got concluded in time as per the instructions of the respondent Police and therefore, there is no violation as alleged by the respondent Police. Thus, no *prima facie* case is made out against the petitioners for the aforesaid offences. Hence, the criminal proceedings initiated against the petitioners in S.C.No.33 of 2022, pending on the file of the Principal District Sessions Court, Chengalpet, is liable to be quashed.

5. The learned Counsel for Government of Tamil Nadu (Crl.Side) appearing for the State submits that in this case though the first petitioner got temporary permission to conduct a public meeting at Mamallapuram on 25.04.2013 from 05.00 p.m. to 10.00 p.m., some of the petitioners allegedly



violated the instructions of the District Police Enforcement by entering the protected the ancient monuments archaeological site at the Mamallapuram Shore Temple, caused physical damage to the structure. After completion of elaborate and detailed investigation, based on the statement of witnesses, the respondent Police filed charge sheets against the petitioners and the same is pending trial. Further, there are ample evidence and witnesses available against the petitioners. Sufficient materials available to prove the cases against the petitioners. Hence, the learned Counsel for Government of Tamil Nadu (Crl.Side) prayed for dismissal of this Criminal Original Petition.

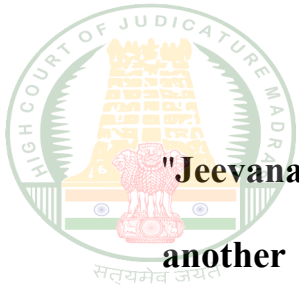
6.Considering the rival submissions and on perusal of the materials, this Court finds that the petitioners and others have conducted public meetings on the eve of Chithirai Full Moon, an important and regular function to them and a celebrating occasion. No public lodged any complaint that any public got affected due to the meetings conducted by the petitioners.

7.In this cases, the respondent Police registered a case in Crime No.182 of 2013, pertains to Chitra Pournami celebration day April – 2013. It is an admitted case that for the celebrations, permission given by the Superintendent of Police of the District. It is highly improbable, had disturbance and violation happened in the year 2012, for the next year, again permission would not have been granted. In this case, except the official witnesses and employees of



Archaeological Department, no public examined as witness to show that there was disturbance to the public peace and movement. The observation Mahazar witnesses are fruit and pushcart vendors. All the witnesses are obliging witnesses to the Police. There is no material to show any damage caused to any of the monuments or public property. Further, there is no recordings to show that trashes and used articles were left over the place. Chitra Pournami festival is an important festival, an occasion for the political leader of the party to meet their cadres and youth, which is an voluntary assembly and the same cannot be termed as an unlawful assembly, creating any riot or obstacle to the public. Even the loud speakers not seized in this case. It is an admitted case that there was a large gathering. In view of the same, by picking, selecting and registering the cases against the petitioners not proper, which is nothing but abuse of process of law.

8. The only allegation levelled against the petitioners is that they violated the instructions of the District Police Enforcement by entering the protected the ancient monuments archaeological site at the Mamallapuram Shore Temple, caused physical damage to the structure. Admittedly, in these cases, the occurrences took place in a public place, in public view. Surprisingly, except the official witnesses, none spoke about the occurrence and no public examined to substantiate the charges levelled against the petitioners, which causes serious doubt on the veracity of the complaints. 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 prohibitory orders which was communicated to the public and there was any disobedience by the petitioners. The respondent Police failed to follow the guidelines issued by this Court in **Jeevanandham's case** (cited supra). In several cases, this Court quashed the proceedings against the accused/protesters on similar ground.

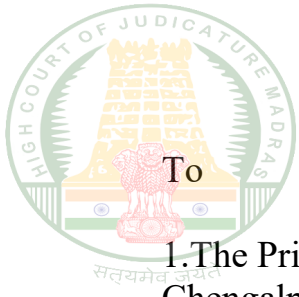
9. In the result, the proceedings in S.C.No.33 of 2022, on the file of the Principal District Sessions Court, Chengalpet, is hereby quashed against the petitioners and against all other accused, who are also similarly placed.

10. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Criminal Miscellaneous Petitions are closed.

19-06-2026

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

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To

1. The Principal District and Sessions Court,
Chengalpet.

2. The Inspector of Police,
E1 Mamallapuram Police Station,
Chengalpet District.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

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CRL OP No. 15648 of 2



G.K.ILANTHIRAIYAN J.

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and
CRL MP Nos.10202 & 10203 of 2026**

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