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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL.O.P.No.31899 of 2026

CNR:{HCMA012103832026}

AND CRL.M.P.Nos.21032 & 21033 of 2026

Case QR

1. Mohamed Asik
   S/o.Sheikh Mohamed,
   No.5/41, Edappalaiyam,
   Thiruvathigai, Panruti,
   Cuddalore

2. Hayathkhan
   S/o Not Known,
   Edappalaiyam, Thiruvathigai,
   Panruti, Cuddalore.

3. Julaika
   W/o Sheikh Mohamed,
   No.5/41, Edappalaiyam,
   Thiruvathigai, Panruti, Cuddalore

4. Mohamed Kasim
   S/o Mohamed Haja Moidean,
   VSP Nagar, Panruti, Cuddalore.

5. Askar Ali
   S/o Abdul Faruk,
   Old No.213/4, New No.443,
   KSAR Main Road, Nellikuppam, Cuddalore

6. Ansar @ Thamim Ansari
   S/o.Jailaudheen,
   Samiyar Dharga, Panruti, Cuddalore.

7. Mansoor
   C/o. Ameer Basha,
   No.40, Pakkiripalayam,
   Panruti, Cuddalore.

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8. Yashin
C/o.Syed Bash,
Samiyar Darga Street,
Panruti, Cuddalore.

9. Apupakkar
S/o Kasim Abdul Gafoor,
No.15/9, Police Line 7th Street,
Panruti, Cuddalore.

10. Alavudheen
S/o. Abdul Razak,
No.561, Vengateshwara Nagar,
Panikankuppam, Cuddalore.

11. Basheer Ali
S/o. Hammed,
No.4/69, Police Line 5th Street,
Panruti, Cuddalore.

..Petitioner(s)

Vs

The State represented by the Inspector of Police
Panruti Police Station,
Cuddalore District.
in Crime No.450 of 2023.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records culminating in S.T.C.No.1624 of 2025 on the file of the Judicial Magistrate Court No.I, Panruti and to quash the same.

For Petitioner(s): Mr.M.H.Dawood
For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

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ORDER

This criminal original petition has been filed to quash the proceedings in S.T.C.No.1624 of 2025 on the file of the Judicial Magistrate Court No.I, Panruti.

2. The case of the prosecution is that the petitioners and other accused, who belong to a specific political party, staged an unlawful demonstration; the incident followed an event involving Aishabegum, aged about 19 years, daughter of the third accused, who married a person from another community, appeared before the Panruti Police Station and expressed her willingness to live with her husband; in response, on 22.07.2023 at around 21:45 hours, the petitioners and other accused gathered without permission at the Panruti Four Road Junction and staged a road blockade, alleging that the Panruti Police authorities were responsible for allowing the daughter of the third accused to go with her husband. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the respondent police registered a case in Crime No.450 of 2023 for the offences under Sections 143 and 341 IPC, against the petitioners and subsequently, filed a final report before the Judicial

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Magistrate Court No.I, Panruti, which was taken on file as S.T.C.No.1624 of 2025. Hence, he prayed to quash the same.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners, along with others, staged a protest and there are specific allegations as against the petitioners to proceed with the trial. Therefore, he vehemently opposed the quash petition and prayed for dismissal of the same.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. It is to be noted that while exercising the power under Section 482 Cr.P.C., the Court should be slow, at the same time, if the Court finds that the entire material collected by the prosecution, even when taken as a whole, fails to constitute any offence, directing the parties to undergo the ordeal of a trial will be a futile exercise and it will infringe the right of the persons and in this regard, the Apex Court in ***State of Haryana and others Vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) Supreme Court Cases 335***, has held as follows:

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".....

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or -complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non~cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing

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efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

7. It is also relevant to note the definition of Unlawful Assembly provided under Section 141 IPC:

"Unlawful Assembly-

An assembly of five or more persons is designated an unlawful assembly?, if the common object of the persons composing that assembly is -

(i) to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

(ii) to resist the execution of any law, or of any legal process; or

(iii) to commit any mischief or criminal trespass, or other offence; or

(iv) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

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(v) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.-

8. Only when the assembly fit into any of the above circumstances, it could be construed as unlawful. In the case on hand, the petitioners had not shown any criminal force to commit any mischief, crime or any offence or by way of criminal force or tried to take possession of the property or right to use of incorporeal right, which is in possession of enjoyment of others or rights. Hence, the offence under Section 143 IPC is not at all attracted as against the petitioners and the same is liable to be quashed.

9. Accordingly, this criminal original petition stands allowed and the proceedings in S.T.C.No.1624 of 2025 on the file of the Judicial Magistrate Court No.I, Panruti, is hereby quashed as against the petitioners alone. Connected Crl.M.Ps. are closed.

04-11-2026

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

To

1.The Inspector of Police
Panruti Police Station,
Cuddalore District.

2.The Public Prosecutor,
Madras High Court, Chennai.

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G.K.ILANTHIRAIYAN J.

nsd

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