



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

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THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

**CRL OP No. 33635 of 2025
and
CRL MP Nos.23515 & 23517 of 2025**

1. Malik
2. Rajkumar
3. Shafi
4. Mustak
5. Aasan
6. Afsar
7. Kalam
8. Aslam
9. Abooth Ali
10. Akram
11. Appas
12. Aadhil
13. Nirmalkumar
14. Ameer Basha
15. Razak
16. Mubarak
17. Kasim
18. Aashik
19. Salman
20. Nehar Banu



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State of Tamil Nadu
Represented by the
Sub Inspector of Police
Thirupalapanthal Police Station
Kallakurichi District.
Crime No.74 of 2025

Vs

..Petitioner(s)

..Respondent(s)

The Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to quash the Final Report in S.T.C.No.526 of 2025 pending on the file the learned Judicial Magistrate, Tirukoilur, as the same is an abuse of process of law.

For Petitioner(s):

Ms.R.Poornima

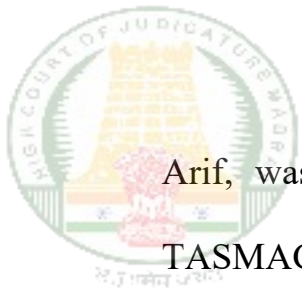
For Respondent(s):

Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the final report in S.T.C.No.526 of 2025 pending on the file of the Judicial Magistrate, Tirukoilur.

2. The case of the prosecution is that the accused, without obtaining prior permission from the Police, conducted a protest regarding the death of one Arif in a road accident. It is alleged that the accident, which resulted in the death of



Arif, was caused by a person who had consumed alcohol at the nearby TASMAC shop. It is further alleged that they have also obstructed traffic and despite warnings given by the Police, refused to move away from the place. Hence, the respondent registered a case in Crime No.74 of 2025. After completing the investigation, a final report was filed against the accused persons for the offences committed under Sections 189(2) and 126(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 (corresponding to Sections 143 and 341 of the Indian Penal Code (IPC), 1860). The learned Judicial Magistrate, Tirukoilur, has taken the case on file as S.T.C.No.526 of 2025. The present petition has been filed challenging the said proceedings.

3. Learned counsel appearing for the petitioners would submit that the petitioners assembled in a democratic manner and they raised their voice against death of Arif, who died in a road accident and also demanding shifting of the TASMAC shop. During the incident, no untoward incident or violence occurred and the facts of the case are similar to the facts of the cases in ***Jeevanandhan and Others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District***¹, 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. He would further submit that the respondent cannot register a case as stated *supra*.

¹ (2018) 2 LW (Crl) 606



4. Per contra, the learned Government Advocate (Criminal Side) appearing on behalf of the respondent/Police would submit that the petitioners had illegally gathered and protested against the death of Arif in a road accident and they also obstructed the traffic and despite the warning given by the police, they refused to move away from the place of offence. However, he would also submit that there was no violence or untoward incident and nobody was injured in the said incident.

5. Heard learned counsel for the petitioners and learned Government Advocate (Criminal Side) appearing on behalf of the respondent and perused the materials available on record.

6. In *Jeevanandhan's* case cited *supra*, it has been held that the Police has no right to file a case under Sections 143 and 341 of IPC and to investigate the same without getting proper permission from the concerned jurisdictional Magistrate. Here, there is no material to show that before registering the case, permission of the concerned jurisdictional Magistrate has been obtained. In such circumstances, the respondent has no right to register the case and to investigate the matter.



7. In view of the above, this Court is of the opinion that the above said decisions would apply on all fours to the present case and that no useful purpose will be served by keeping the impugned proceedings pending and the same is liable to be quashed.

8. Accordingly, the Criminal Original Petition stands allowed and the proceedings in S.T.C.No.526 of 2025 pending on the file of the learned Judicial Magistrate, Tirukoilur in respect of all the accused is quashed. Consequently, connected miscellaneous petitions are closed.

23-01-2026

JENI

To

1.The Judicial Magistrate, Tirukoilur.

2.The Sub Inspector of Police
Thirupalapanthal Police Station,
Kallakurichi District.

3.The Public Prosecutor
Madras High Court, Chennai.



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A.D.JAGADISH CHANDIRA, J.

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