



WEB COPY



Crl.O.P. No.35093 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM:

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

Crl.O.P.No.35093 of 2025
and Crl.M.P.No.24651 of 2025

Kavin Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erode Town Police Station,
Erode District.
(Crime No.505 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita/Section 482 Cr.P.C., to call for the records in S.T.C.No.1278 of 2025 on the file of Judicial Magistrate No.II, Erode and quash the same as against the petitioner.

For Petitioner : Mr.J.Ranjith Kumar

For Respondent : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

The present Criminal Original Petition has been filed seeking to quash S.T.C.No.1278 of 2025 on the file of Judicial Magistrate No.II, Erode, filed against the petitioner.



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2.The case of the prosecution is that on 17.12.2022, the petitioner and 13 others, who belong to Bharatiya Janata Party had unlawfully gathered, obstructed traffic and protested without obtaining permission and setting fire to the photo flex of Pakistan External Affairs Minister Bilawal Bhutto, who abused the Indian Prime Minister. Thereby, a charge sheet was filed against the petitioner for the offences punishable under Sections 143, 341 and 285 of The Indian Penal Code. After completion of the investigation, the respondent Police filed the charge sheet on 17.10.2023 before the learned Judicial Magistrate No.II, Erode, in S.T.C.No.1278 of 2025, which is now sought to be quashed.

3.Learned counsel appearing for the petitioner would submit that there was no violence and other than conducting a peaceful protest, they have not indulged in any offence and that the respondent police, having failed to conduct a proper investigation, mechanically registered a case against the accused, particularly, when there were too many individuals involved in the protest. He would further submit 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 and hence, the said decisions would apply on all fours to the instant case.

4.Learned Additional Public Prosecutor appearing for the respondent Police would submit that the present case was registered due to the protest conducted by the petitioner without obtaining permission from the respondent police and that they have also burned the banner portrait of Pakistan External Affairs Minister. He also endorsed the submission of the learned counsel for the petitioner that the facts of the instant case are akin to the facts in the aforesaid two cases.

5.Having heard the learned counsel appearing on either side and perused the materials available on record, 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 proceedings pending and the same is liable to be quashed.

6.Accordingly, the proceedings in S.T.C.No.1278 of 2025, pending on the file of the learned Judicial Magistrate No.II, Erode, as against the



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petitioner are hereby quashed and the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

02.01.2026

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate No.II,
Erode.
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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