



Crl.O.P.No.4690 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2026

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CORAM:

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

Crl.O.P.No.4690 of 2026
and Crl.MP.Nos.3337 & 3338 of 2026

1. Chozan
(Wrongly mentioned as Shozan
instead of Chozan in F.I.R)
2. Viji @ Vijayan
3. Perumal
4. Thirumal M
5. Boobalan
(Wrongly mentioned at Poobalan
instead of Boobalan in F.I.R)
6. Manikandan Egamparam
(Wrongly mentioned as Manigandan
instead o Manikandan in F.I.R)
7. Durairaj

... Petitioners

Vs.

1. The State represented by,
The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.
(Crime No. 319 of 2023)

2. Pazhani

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, to call for the entire records pertaining to the impugned charge sheet filed in C.C.No.235 of 2023 on the file of the Judicial Magistrate Court, Cheyyar and quash the same.



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For Petitioners : Mr.Henri Tiphagne (Vc)
For R1 : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.235 of 2023 on the file of the Judicial Magistrate Court, Cheyyar.

2. The case of the prosecution is that the petitioners and others trespassed into the *de facto* complainant's land and objected to the *de facto* complainant giving his land to the SIPCOT and participated in the Salem Express Way protest. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.319 of 2023 for the offences under Sections 147, 341, 294(b) and 506(i) of the Indian Penal Code, 1860 as against the petitioners and the same was taken cognizance in C.C.No.235 of 2023 for the offences under Sections 147, 341, 294(b), 506(i) and 447 of the Indian Penal Code, 1860 by the Judicial Magistrate Court, Cheyyar. He would further submit that in



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respect of co-accused, this Court, in Crl.O.P.No.3185 of 2024, vide order dated 09.04.2025, has quashed the proceedings. He would submit that even taking into consideration the entire averments in the charge sheet at their face value, the ingredients of the offences cannot be made out. Hence, he prayed to quash the same.

4. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioners to proceed with the trial.

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

6. It is to be noted that while exercising powers under Section 482,Cr.P.C. the Court should be slow and at the same time, if the Court finds that from the entire materials collected by the prosecution taken as a whole, would not constitute any offence, in a such situation, directing the parties to undergo the ordeal of 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 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”
vide Section 141 of IPC which reads as under: -

“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 -

first. - 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

Second. - To resist the execution of any law, or of any legal process; or

Third. - To commit any mischief or criminal trespass, or other offence; or

Fourth. - By means of criminal force, or show of criminal force, to any person to take or obtain possession of any



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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

Fifth. - 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.-

Explanation. - An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

8. Only when the assembly fits into any of the above circumstances, it could be construed unlawful. In this case, the accused had neither shown any criminal force to commit any mischief, crime or offence nor by way of criminal force, tried to take possession of a tangible or intangible property or a corporeal or incorporeal right which is in possession and enjoyment of others.

9. In view of the above, this Criminal Original Petition stands allowed and the entire proceedings in C.C.No.235 of 2023 of the file of the Judicial Magistrate Court, Cheyyar, is hereby quashed as against the petitioners alone. Consequently, connected miscellaneous petitions are closed.

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Neutral Citation: Yes/No

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To

1. The Judicial Magistrate, Cheyyar.
2. The Inspector of Police,
Anakkavoor Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

dsn

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