



Crl.OP(MD)No.4735 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.4735 of 2025

and

Crl.M.P.(MD)Nos.3383 and 3384 of 2025

1. Jothilinga Raj

2. Kumar

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.
(Crime No.166 of 2022)

.... 1st Respondent / Complainant

2. M.Arul Pragash

.... 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned Charge sheet in S.T.C.No.72 of 2023 on the file of the learned Judicial Magistrate, Eraniel, Kanniyakumari District and quash the same.



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For Petitioners : Mr.K.Prabhu

For R-1 : Mr.M.Sakthikumar
Government Advocate (Crl.Side)

ORDER

Preface:

This Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.72 of 2023 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District, insofar as the petitioners, who are arrayed as Accused Nos.7 and 10, are concerned.

Case of the Prosecution:

2. The case of the prosecution is that on 14.06.2022 at about 17.00 hours, the petitioners along with other accused persons formed an unlawful assembly and conducted a protest against the State Government and the HR & CE Department without obtaining prior permission.



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3. Based on the said allegation, a case in Crime No.166 of 2022 was registered for the offences under Sections 143 and 290 IPC and subsequently a charge sheet was laid in S.T.C.No.72 of 2023.

Grounds for Quash:

4. The learned counsel for the petitioners submitted that the allegations are vague and do not constitute the offences alleged. It is further submitted that, on the following grounds, the continuation of proceedings would amount to abuse of process of Court:

(i) the alleged protest is a form of democratic expression protected under the Constitution.

(ii) No ingredients of unlawful assembly under Section 143 IPC are made out.

(iii) No specific overt act is attributed to the petitioners.

(iv) No complaint from any individual exists to sustain an offence under Section 290 IPC.

5. Heard the learned counsels on either side and carefully perused the materials available on record.



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Point for Consideration:

6. The point that arises for consideration is whether the proceedings in S.T.C.No.72 of 2023 require to be quashed in view of subsequent developments.

7. It is brought to the notice of this Court that the trial in S.T.C.No.72 of 2023 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District has already been concluded and the case has ended in acquittal.

Analysis:

8. In view of the above development, the very relief sought in the present Criminal Original Petition, namely quashing of the proceedings, has become infructuous.

9. Once the trial has culminated in acquittal, nothing survives for adjudication in this petition. The cause of action for invoking the inherent jurisdiction of this Court no longer exists.



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10. Recording the fact that the proceedings in S.T.C.No.72 of 2023 have already been concluded and ended in acquittal, this Criminal Original Petition stands closed as infructuous.

11. Accordingly, this Criminal Original Petition is closed as infructuous. Consequently, connected miscellaneous petitions are closed.

09.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

- 1.The Judicial Magistrate,
Eraniel,
Kanniyakumari District.
- 2.The Inspector of Police,
Colachel Police Station,
Kaniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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