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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.03.2026

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**CrI.OP.(MD)No.5990 of 2026**  
**and**  
**CrI.M.P(MD)Nos.6524 & 6526 of 2026**

Naveen Kumar

...Petitioner/Accused No.2

Vs

1. State of Tamilnadu,  
Rep by Inspector of Police,  
Austinpatti,  
Madurai District,  
Crime No.1807/2020

...1<sup>st</sup> Respondent/Complainant

2. A.John Peter Kennady,  
Village Administrative Officer,  
K.Pudupatti @ Austinpatti,  
Thiruparakundram Taluk,  
Madurai District.

...2<sup>nd</sup> Respondent/Defacto Complainant

**PRAYER:** Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records and quash the charge sheet filed against the petitioner in S.T.C.No.121/2024 on the file of the Judicial Magistrate, Thirumangalam, in respect of Crime No.1807/2020, on the file of the 1<sup>st</sup> respondent police.



For Petitioners : M/s.B.Azhagesh

For Respondents : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor for R1

### **ORDER**

The present petition has been filed by the second accused in S.T.C.No. 121 of 2024, on the file of the learned Judicial Magistrate, Thirumangalam, seeking to quash the charge sheet wherein the petitioner and 8 other accused persons are charged with the offences under Sections 143, 188, 271 and 285 of IPC.

2. A perusal of the charge sheet reveals that the petitioner along with others, who belonged to a political party, have unlawfully assembled on 29.10.2020 and staged a protest objecting to the appointment of a particular person as a member of AIIMS Medical College Committee. Apart from that, they are alleged to burnt the effigy of the said person. Therefore, the petitioners have been charged with the offences under Sections 143, 188, 271 and 285 of IPC.



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3. According to the learned Counsel appearing for the petitioner, burning of an effigy would not attract Section 285 of IPC and he relied upon a decision of this Court in **2015 4 CTC 317, Suba Veerapandian and others Vs. The state represented by the Sub Inspector of Police and another**. He further submitted that it is a democratic protest made on behalf of a National Political Party.

4. I have considered the submissions made on either side and perused the materials available on record.

5. A perusal of the charge sheet clearly reveals that the petitioner and other members of the political party have assembled and raised slogans as against the appointment of particular person as a member of AIIMS Medical College Committee in a peaceful manner. They have burnt effigy of that particular person for his inclusion in the Committee. This Court while considering a similar issue in **Crl.O.P(MD)No.6072 of 2019, dated 26.04.2019, Vanaraja Vs. State represented by the Inspector of Police and another**, has specifically held that Section 285 of IPC, would not get attracted in the case of burning of the effigy.



6. Though it is alleged in the charge sheet that they were negligent in handling the effigy, there are no allegations that anyone was injured or got burn injuries during the burning of the said effigy. In such circumstances, this Court is of the considered opinion that none of the charges as alleged in the charge sheet have been made out as against the petitioner or the other accused persons.

7. Though the second accused has alone filed this petition, since the other accused persons also stand at the same footing, it would be an empty formality to permit the trial to be continued as against the other accused persons.

8. In view of the above said facts, the charge sheet in S.T.C.No.121 of 2024, on the file of the learned Judicial Magistrate, Thirumangalam, is hereby quashed as against all the accused persons.

9. Accordingly, this Criminal Original petition stands allowed. Consequently, connected miscellaneous petitions are also closed.

**27.03.2026**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR



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To

1. The learned Judicial Magistrate,  
Thirumangalam.
2. The Inspector of Police,  
Austinpatti,  
Madurai District,
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR, J.**

RJR

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