



Crl.O.P.(MD).No.10290 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.10290 of 2026

and

Crl.M.P(MD) Nos.10273 and 10274 of 2026

P.Amutha

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Manjulai Police Station,
Tirunelveli District.
(Crime No.6 of 2024)

... 1st Respondent/
Complainant

2. Sabari Mallika.A
W/o.Not known to the petitioner.
Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS Act, praying this Court to call for the records and to quash the final report in S.T.C.No.150 of 2026 on the file of the Judicial Magistrate, Ambasamudram in Crime No.6 of 2024 on the file of the first respondent police dated 27.08.2024.



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For Petitioner : Mr.I.Robert Chandra Kumar
For R1 : Mr.P.Samuel Gunasingh
Counsel for State of TN (Crl.Side)

ORDER

The present petition has been filed by the sole accused in S.T.C.No.150 of 2026 on the file of the Judicial Magistrate, Ambasamudram, seeking to quash the charge sheet, wherein, the petitioner is charged with the offence under Sections 189(2) and 292 of BNS, 2023.

2. A perusal of the charge sheet reveals that the petitioner, without obtaining prior permission from the concerned officials, is said to have staged a hunger strike on 27.08.2024 in front of Manjolai bus stand, for the rights of the employees of the Manjolai Tea Estate. As per the charge sheet, by the acts of the petitioner herein, she was making attempts to instigate the other employees of the Manjolai Tea Estate. Hence, she has been charged with the offence under Sections 189(2) and 292 of BNS, 2023.



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3. According to the learned counsel appearing for the petitioner, the petitioner is the sole accused and therefore, the question of invoking Section 189 (2) of BNS would not arise. He further submits that it is a remote hilly area and she was only fighting for the welfare of the employees of the Manjolai Tea Estate, which was closed. In such circumstances, the question of invoking Section 292 of BNS would not arise.

4. Per contra, the learned Counsel for State of TN(Crl.Side) appearing for the first respondent submitted that similar case is also pending as against the petitioner in Crime No.20 of 2026 on the file of the Charanmahadevi Police Station, Tirunelveli District, for the alleged offence under Sections 189(2), 223 and 285 of BNS. He further submitted that even though the issue has been settled, the petitioner is instigating the other workers.

5. Heard the learned counsel appearing for the petitioner and perused the materials available on record.



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6. A perusal of the charge sheet clearly reveals that the petitioner herein, who is a lady, had been fighting for the welfare of the employees of the Manjolai Tea Estate, which has been closed. As per the FIR, she is said to have staged a hunger strike in front of the bus stop near the Tea Estate. There is no allegation of any disturbance to the general public or damage to the public property and in such circumstances, when the petitioner had expressed her dissent in a democratic manner and was fighting for the welfare of the employees of the Manjolai Tea Estate, the same cannot be considered to be an offence.

7. When the petitioner was sitting alone in a hunger strike, the ingredients of Section 189 (2) of BNS would not get attracted. In such circumstances, continuation of criminal proceedings as against the petitioner only be an abuse of process of law, when she was fighting in a democratic manner.



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8. In view of the above said facts, charge sheet in S.T.C.No.150 of 2026 on the file of the Judicial Magistrate, Ambasamudram, is hereby quashed. Accordingly, this Criminal Original Petition stands allowed. Consequently connected Miscellaneous Petitions are closed.

05.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Manjulai Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Judicial Magistrate,
Ambasamudram.



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R.VIJAYAKUMAR,J.

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