

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

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CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 10849 of 2026
and Crl.M.P.Nos.7679 & 7686 of 2026**

1. V.Jayapal
S/o, Vijayan, No.1, 1st Street,
Tharvazhi, Kannikapuram, Ambur,
Tirupathur District. Ambur - 635 802.
2. A.Amulraj
S/o. Anbu, No.50, Main Road, B Kaspas,
Ambur, Tirupathur District.
3. J.Bindhu Madhavan
S/.Jaishankar, No.30A, Kavarai Street,
A.Kaspas, Ambur, Tirupathur District.
4. P.Udhayakumar
S/o. Prakash, No.21/11, Jinga Koil
Street, A Kaspas, Ambur, Tirupathur
District.
5. S.Elumalai
S/o. Settu, No.C-6, Rathina Nagar,
Maligaithoppu, Ambur, Tirupathur
District.
6. S.Nakkiran
S/o. Sekar, No.47/27, First Senguthar
Street, A.Kaspas, Ambur, Tirupathur
District.
7. K.Mohan
S/o. Kandasamy, No.44, Reddy Street,
Krishnapuram, Ambur, Tirupathur
District.



8. M.Anbu

S/o. Moorthi, No.14, Chinna Kamara
First Street, Krishna Nagar, A Kaspas,
Ambur, Tirupathur District.

9. R.Hari Krishnan

S/o. Ramachandiran, No.19, Kamarajar
Nagar first Street, A Kaspas, Ambur,
Tirupathur District.

10. S.Jaishankar

S/o. Srinivasan, No.30A, Kavarai
Street, A Kaspas, Ambur, Tirupathur
District.

11. N.Purushothaman.

S/o. Nagarathinam, No.12/16,
Duraismy Raja Street, A Kaspas,
Ambur, Tirupathur District.

12. S.Dhandapani

S/o. Shanmugam, No.36/23, Kamarajar
Salai 2nd Street, Krishnapuram, Ambur,
Tirupathur District.

13. M.Saravanan

S/o. Murugan, Palli Street,
Devalapuram, Ambur, Tirupathur
District.

14. U.Amarnath

S/o. Umakanthan, No.32, 1st
Karumariyamman Koil Street, A Kaspas,
Ambur, Tirupathur District.

15. K.Chakkarapandiyan

S/o. Kannadasan, No.4/10A, Kamarajar
Nagar, Thennampattu Village, Ambur,
Tirupattur District.

Petitioner(s)

Vs



1. The State Rep by the Inspector of Police

Ambur Town Police Station, Ambur
-635 802. Tirupattur District, Crime
No.229/2025

2.M.Dinakaran

S/o. Murugesan, Village Administrative
officer- Kennadikuppam Village,
Ambur Town (Incharge), Chairman
Rajagopal Street, Ambur 635 802.
Tirupattur District.

Respondent(s)

PRAYER

To call for the records relating to the S.T.C No.282 of 2026 on the file of Learned Additional District Munsif Cum Judicial Magistrate, Ambur, Tirupattur District and Quash the same by allowing this Criminal original petition and pass such further or other orders.

For Petitioner(s): D.Vijaya Babu

For Respondent(s): M/S. LEONARD ARUL JOSEPH SELVAM
ADDITIONAL PP for R1

ORDER

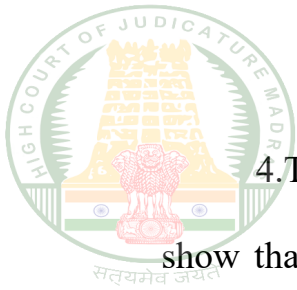
The petitioners, who are facing trial before the learned Judicial Magistrate, Ambur, in STC.No.282 of 2026, for the offences punishable under Sections 189(3), 223, 126(2) & 293 of BNS, 2023, have filed this quash petition.

2.The case of the prosecution is that on 02.10.2025, at about 11.00 am, the petitioners without prior permission from the concerned officials, gathered together bearing RSS flag on the occasion of 100th year ceremony of their



association and also for celebrating Vijayadasami festival and caused hindrance to the public and transportation. When the defacto complainant, the Village Administrative Officer, asked them to disperse they failed to do so and hence, on the complaint lodged by the 2nd respondent, the 1st respondent registered a case in Crime No.229 of 2025 against the petitioners. On conclusion of investigation, charge sheet has been filed before the Trial Court listing LW1 to LW4 and documents.

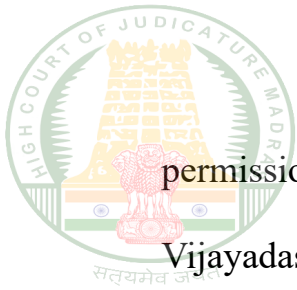
3.Learned counsel for the petitioners submitted that four witnesses were cited as LW1 to LW4 in this case and LW1 to LW3 are none other than Village Administrative Officer (LW1), Village Assistant (LW2), Village Assistant (LW3) and the Investigating Officer (LW4). No independent eye witnesses were examined to incriminate the petitioners. He further submitted that the petitioners have not caused any hindrance to the transport or to the general public as alleged in the FIR and it was only a small gathering of the members of the association to celebrate the Vijayadasami festival and 100th year celebration of their association. Further, the final report was filed by the respondent police on 09.10.2025, i.e., within nine days from the date of complaint, which would show that the final report was filed in a hurried manner without proper investigation. Further, none of the witnesses have stated that they were affected by the protest and prayed for quashing STC.No.282 of 2026.



4.The learned counsel for the petitioners submitted that there is nothing to show that on the date of occurrence, there was any prohibitory order in force and whether that order was communicated in the prescribed manner is also not known. The learned counsel further submitted that this Court in the cases of ***“Madhan Mohan Versus The State and another in Crl.O.P.Nos.23129 & 23127 of 2019”*** on the similar grounds, quashed the proceedings against the accused. Further, in the case of ***“Jeevanandham and others Vs. State Rep. by Inspector of Police and another*** reported in ***(2018) 2 LW Crl. 606”***, had given an authoritative pronouncement regarding the cases similar in nature to be registered and investigated, which is violated in this case.

5.The learned counsel for the petitioners further submitted that the petitioners gathered together only to celebrate Vijayadasami festival and 100th year anniversary of their association formation, which cannot be construed as unlawful act. Right to Dissent is the Hallmark of Democracy, the petitioners only expressed their displeasure which is their fundamental right. Hence, he prayed for quashing of the proceedings against the petitioners.

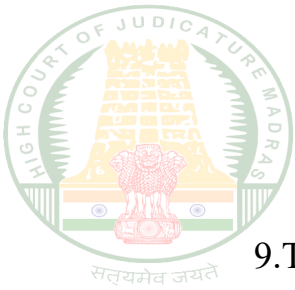
6.The learned Additional Public Prosecutor appearing for the 1st respondent submitted that in this case, a complaint was lodged by the 2nd respondent that on 02.10.2025, at about 11.00 a.m., the petitioners without prior



permission from the concerned officials gathered together to celebrate Vijayadasami festival and 100th year anniversary of their association formation and caused hindrance to the public transport and disturbance to the public. By timely intervention of the 1st respondent, further law and problem were averted. The petitioners without getting permission from the authorities concerned have formed themselves into an unlawful assembly restrained the others and caused public disturbance. On completion of investigation, charge sheet was filed.

7. Considering the rival submissions and on perusal of the materials, it is admitted fact that the petitioners gathered together which is their fundamental right. In this case, no public lodged a complaint and no public got affected, due to the unlawful assembly by the petitioners. Hence, this Court finds that the petitioners have unlawfully assembled together only to celebrate Vijayadasami festival and 100th year anniversary of their association formation.

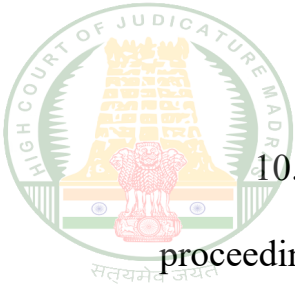
8. It is seen that the petitioners had followed the rights provided by the Constitution of India and held the protest under the guise of Constitution. A mere reading of the allegations in the final report, the allegations are general in nature and no specific allegations are made against the petitioners to attract the said provisions. Unlawful assembly itself would not amount to commission of offense.



9. The petitioners unlawfully assembled together to celebrate

Vijayadasami festival and 100th year anniversary of their association formation

Admittedly, in this case, the occurrence took place in a public place, in public view, surprisingly no public or independent witness examined by the prosecution, which causes serious doubt on the veracity of the complaint. The witnesses cited by the prosecution are only passers-by. This Court in the case of ***“Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in (2018) 2 LW Crl. 606”*** had clearly held that the right to protest to be safeguarded and not to be termed as criminal offence. In this case, there is no material to show that there was any promulgation of prohibitory orders which was communicated to the public and there was any disobedience by the petitioners. Further, in consequence to the unlawful assembly, the prosecution failed to show whether any trouble occurred. The 1st respondent Police failed to follow the guidelines issued by this Court in ***Jeevanandham*** (Cited *supra*). In several this type of cases, this Court quashed the investigation against the accused on similar ground. In these circumstances, the continuation of trial for offence under Sections 189(3), 223, 126(2) & 293 of BNS, 2023 is wholly unsustainable and constitutes a clear abuse of the process of law, warranting interference of this Court.



10. In the result, this Criminal Original Petition is allowed and the proceedings in STC.No.282 of 2026 on the file of the learned Additional District Munsif Cum Judicial Magistrate, Ambur, Tirupattur District, is hereby quashed as against the petitioners. Consequently, the connected miscellaneous petitions are closed. No costs.

28-04-2026

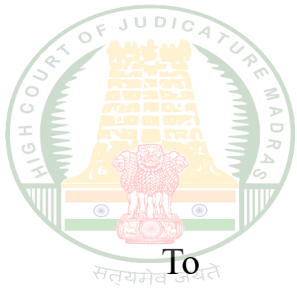
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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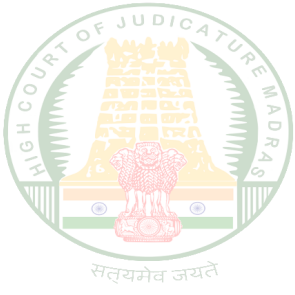
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1.The learned Additional District Munsif cum
Judicial Magistrate,
Additional District Munsif cum Judicial
Magistrate Court,
Ambur, Tirupattur District.

1.The State Rep by the Inpsector of Police
Ambur Town Police Station, Ambur
-635 802. Tirupattur District, Crime
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2.M.Dinakaran
S/o. Murugesan, Village Administrative
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Ambur Town (Incharge), Chairman
Rajagopal Street, Ambur 635 802.
Tirupattur District.

4.The Public Prosecutor,
High Court of Madras, Chennai.



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M.NIRMAL KUMAR J.

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