

CRL.O.P.No.15309 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.06.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15309 of 2026

and

CrI.M.P.No.9980 of 2026

Krishnamoorthy
S/o.Subburaya Gounder

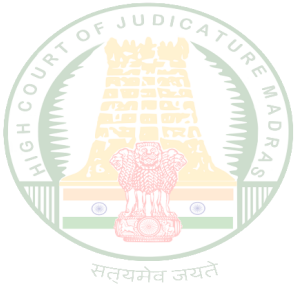
... Petitioner

vs.

1. State represented by
The Inspector of Police
Avinashipalayam Police Station
Tiruppur District
(Crime No.19 of 2026)
2. Mr.E.Sivasankar
S/o.Eswaran
Village Administrative Officer
Algumalai Village, Palladam Taluk
Tiruppur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to S.T.C.No.486 of 2026 on the file of the Judicial Magistrate, Palladam, Tiruppur District and quash the same by allowing this Criminal Original Petition.



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For Petitioner

: Mr.V.Raghavachari
Senior Counsel
for Mr.S.Ganesh Babu

For Respondents

: Mr.A.Amarnath
Counsel for Government of Tamil Nadu
(Criminal Side)

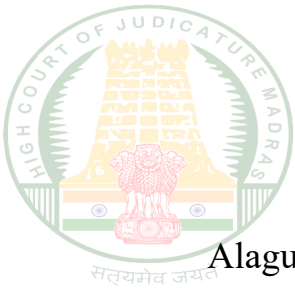
ORDER

The petitioner, who is facing trial in S.T.C.No.486 of 2026 on the file of the Judicial Magistrate, Palladam, Tiruppur District, for offences under Sections 189(2), 226 and 193(1) of the Bharatiya Nyaya Sanhita, 2023, has filed the present petition.

2. Gist of the case is that on 18.01.2026, certain persons including the petitioner assembled near the Kovilpalayam area and conducted a hunger strike and protest to demand the withdrawal of criminal cases allegedly registered against one Mr.M.Easan and others. It is further alleged that the participants conducted the said protest without obtaining permission from the authorities and thereby, caused inconvenience to the public and obstruction to the free movement of the general public.

Pursuant to a complaint lodged by the Village Administrative Officer,

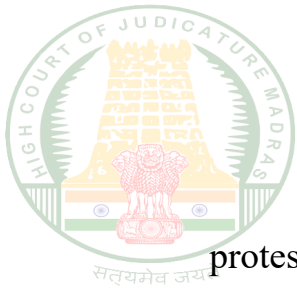
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Alagumalai Village, an FIR in Crime No.19 of 2026 came to be registered by the Avinashipalayam Police Station for the alleged offences under Sections 189(2), 226 and 193(1) of BNS and the respondent police filed a final report and the same was taken on file as S.T.C.No.486 of 2026 on the file of the learned Judicial Magistrate, Palladam, Tiruppur District.

3. The contention of the petitioner is that he is an Agriculturist and an Office Bearer of the Tamil Nadu Farmers Protection Association, a farmers' welfare organization functioning throughout the State of Tamil Nadu for the protection of farmers' rights, agricultural lands, water resources, environmental interests and livelihood concerns of the farming community. The Association has been actively involved in various public causes affecting farmers and functions through peaceful democratic means including representations, public awareness campaigns, lawful agitations and legal proceedings before competent authorities. One Mr.M.Easan, Advocate and Farmer Leader, is the founder of the Tamil Nadu Farmers Protection Association. Aggrieved by the repeated registration of criminal cases against the founder of the Association, the members of the public decided to conduct a peaceful hunger strike and



protest in order to bring the issue to the attention of the Government, public authorities and the general public. Therefore, the protest was an expression of collective democratic dissent and not an attempt to commit any unlawful act.

4. The learned counsel appearing for the first respondent police submitted that now the investigation has been completed and a final report has been filed citing five witnesses. According to him, the petitioner participated in the protest without obtaining permission from the authorities and caused inconvenience to the public. Despite warnings issued by the Police, the petitioner continued the protest, thereby causing obstruction to the free movement of the general public.

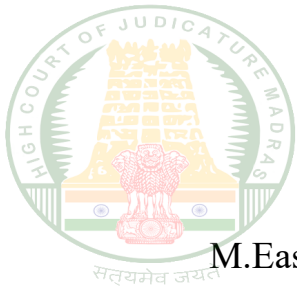
5. The learned counsel for the petitioner submitted that the protest and hunger strike were conducted in a private property and not in any public road, Government office, public institution or prohibited area. Therefore, the very foundation of the prosecution case alleging obstruction and disturbance is legally unsustainable. He further submitted that the petitioner neither organised nor instigated any unlawful



activity. The petitioner merely exercised his constitutional rights guaranteed under Articles 19(1)(a) and 19(1)(b) of the Constitution of India.

6. The learned counsel for the petitioner 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 case 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.

7. The learned counsel for the petitioner further submitted that the petitioner and others raised slogans and held demonstration against the Government to withdraw the criminal cases allegedly registered against



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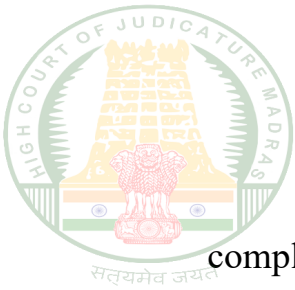
M.Easan and others, which cannot be construed as unlawful act. Right to

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Dissent is the Hallmark of Democracy, the petitioner and others only expressed their displeasure which is their fundamental right. Hence, he prayed for quashing of the proceedings against the petitioner.

8. The learned counsel appearing for the first respondent police submitted that in this case, a complaint was lodged by the Village Administrative Officer in Crime No.19 of 2026 stating that on 18.01.2026, the petitioner and others assembled near the Kovilpalayam area and conducted a strike and protest and caused inconvenience to the public obstruction to the free movement of the general public. The petitioner without getting permission from the authorities concerned had formed an unlawful assembly restrained the others and caused public disturbance. On completion of the investigation, a charge sheet was filed in this case.

9. Considering the rival submissions and on perusal of the materials, it is admitted fact that the petitioner and others conducted a protest which is their fundamental right. In this case, no public lodged a



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complaint and no public got affected, due to the protest conducted by the petitioner. Hence, this Court finds that the petitioner and others had only raised slogans and shown protest to withdraw the criminal cases registered against M.Easan.

10. It is seen that the petitioner and others 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 shows that the allegations are general in nature and no specific allegations are made against the petitioner to attract the said provisions. Raising slogans and showing protest itself would not amount to commission of offence. Showing Protest is the Hallmark of Democracy, which is a fundamental right guaranteed under the Constitution of India.

11. 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



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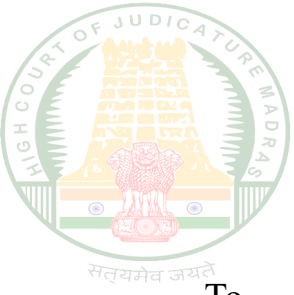
communicated to the public and there was any disobedience by the petitioner. Further, in consequence to the protest, the prosecution failed to show whether any trouble occurred. The 1st respondent Police failed to follow the guidelines issued by this Court in *Jeevanandham* (Cited Supra). In several this type of cases, this Court quashed the investigation against the accused on similar ground. In these circumstances, the continuation of trial for offences under Sections 189(2), 226 and 193(1) of BNS is wholly unsustainable and constitutes a clear abuse of the process of law, warranting interference of this Court.

12. In the result, this Criminal Original Petition is allowed and the proceedings in STC.No.486 of 2026 on the file of the Judicial Magistrate, Palladam, Tiruppur District, is hereby quashed as against the petitioner. Consequently, connected miscellaneous petition is closed.

18.06.2026

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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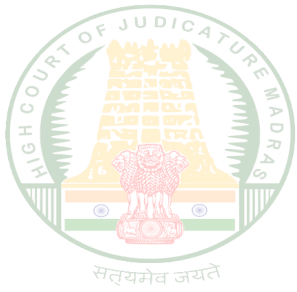
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To
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- 1.The Judicial Magistrate,
Palladam,
Tiruppur District.
- 2.The Inspector of Police
Avinashipalayam Police Station
Tiruppur District
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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