

Velusamy Vs The state rep.by,

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Court : Chennai

Decided On : Mar-24-2026

Judge : Honourable Mr Justice M. Nirmal Kumar

Appeal No. : CRL OP/7244/2026

Appellant : Velusamy

Respondent : The state rep.by,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2026

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR CRL.O.P.No.7244 of 2026 and Crl.M.P.No.5266 of 2026 1.Velusamy 2.Muthuraj 3.Prakash 4.Amuthavalli 5.Thenmozhi 6.S.Velusamy 7.Gopalakrishnan 8.S.Gopal 9.T.Logeeshwaran 10.Gnanapriyadharsini 11.N.Prakash 12.C.Dhanasekar ... Petitioners vs. 1.The State represented by Inspector of Police, Kangeyam Police Station, Tiruppur District. (Cr.No.399 of 2025). 2.Mohanan, Tahsildar, Taluk Office, Kangeyam Taluk, Tiruppur

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to FIR in Crime No.399 of 2025 dated 24.06.2025 registered on the file of the 1st respondent and to quash the same in so far as the petitioners are concerned by allowing this Criminal Original Petition. For Petitioners : Mr.N.S.Suganthan For R1 : Mr.Leonard Arul Joseph Selvam, Additional Public Prosecutor

ORDER

The petitioners, who are accused in FIR in Crime No.399 of 2025 for offence under Sections 191(2), 191(3), 126(2) & 291 BNS on the file of the 1st respondent Police, have filed the Quash Petition.

2.Case of the prosecution is that the 2nd respondent, Tahsildar, Kangeyam Taluk Office lodged a complaint on 24.06.2025 stating that the petitioners herein along with 400 persons under the leadership and instructions of the 1st petitioner assembled together in front of the Office of Kangeyam-Vellakovil Water Conservation Association, Page No.2 of 10

Bhagavathipalayam on Tiruchirapalli-Coimbatore National Highways opposite to Divya Mahal and put up a steel sheet held in the private land belonging to the Association for the purpose of holding demonstration in the form of protest agitating the inaction on the part of the Government for not considering the demands of the farmers and as a consequential act of rejection of their request by the Police to conduct a siege demonstration at the Office of the Superintending Engineer, Pollachi PAP Project one weeks prior to the occurrence. Further the petitioners created fear among the public with cows and horses causing disruption to traffic and the public. Despite the petitioners were repeatedly informed that they were not allowed to protest and should disperse, they continued their

protest. On complaint of the 2nd respondent, the 1st respondent Police arrested the protesters and registered a case in Crime No.399 of 2025 for offence under Sections 191(2), 191(3), 126(2) & 291 BNS.

3.Learned counsel for the petitioners submitted the allegations in the final report do not constitute the offences under Sections 191(2), 191(3), 126(2) & 291 BNS. The petitioners assembled together in front of the Office of Kangeyam-Vellakovil Water Conservation Association, Page No.3 of 10

Bhagavathipalayam on Tiruchirapalli-Coimbatore National Highways and put up a steel sheet held in the private land belonging to the Association for the purpose of holding demonstration in the form of protest agitating the inaction on the part of the Government for not considering the demands of the farmers and as a consequential act of rejection of their request by the Police to conduct a siege demonstration at the Office of the Superintending Engineer, Pollachi PAP Project one weeks prior to the occurrence. He further submitted that there is absolutely no material to indicate that the petitioners had any common intention to commit an offence or to create a law and order problem as alleged. Further the allegation of obstruction to traffic is vague since there was no specific instance of wrongful restraint and no complaint from any public. In the absence of any such material, the offence under Section 126(2) BNS is not made out. The ingredients of offence under Section 291 BNS not attracted since the complaint contains only bald and general statements without any supporting material, independent witnesses or evidence of actual harm or inconvenience caused to the public at large. In this case, no private person cited as witness, hence, it is highly improbable that no public witness was present in the place of occurrence and no reason has Page No.4 of 10

been given for non examination of public witnesses. 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 raised slogans against the Government 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
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petitioners.

6.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioners herein along with 400 persons under the leadership and instructions of the 1st petitioner assembled together in front of the Office of Kangeyam-Vellakovil Water Conservation Association, Bhagavathipalayam on Tiruchirapalli- Coimbatore National Highways opposite to Divya Mahal and put up a steel sheet held in the private land belonging to the Association for the purpose of holding demonstration in the form of protest agitating the inaction on the part of the Government for not considering the demands of the farmers and as a consequential act of rejection of their request by the Police to conduct a

siege demonstration at the Office of the Superintending Engineer, Pollachi PAP Project one weeks prior to the occurrence. Timely intervention of the respondent Police, 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.

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7.Considering the rival submissions and on perusal of the materials, it is seen that the petitioners have only raised their objection against the Government. Raising slogans against the Government itself would not amount to any commission of offence, which is a fundamental right under Constitution of India. Admittedly in this case, the occurrence had taken place in the public place and view, no public or independent witness cited by the 1st respondent, which causes serious doubt on the veracity of the complaint. This Court in the case of Jeevanandham and others Vs. State Rep. by Inspector of Police and another reported in

(2018) 2 LW CrI. 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 protest, the prosecution failed to show whether any trouble occurred. The 1 st 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 FIR is wholly unsustainable and abuse Page No.7 of 10

of the process of law, warranting interference of this Court. 8.At this stage, it is brought to the notice of this Court that the 1 st respondent Police, on completion of

investigation, filed charge sheet before the learned Judicial Magistrate, Kangeyam and E-Filing Number C202600183 produced.

9.In view of the above, the FIR in Crime No.399 of 2025 dated 24.06.2025 on the file of the 1st respondent Police is hereby quashed against the petitioners and the charge sheet filed by the 1 st respondent in E-Filing Number C202600183 is also quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is also closed. 24.03.2026 Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No vv2 Page No.8 of 10 To 1.The Inspector of Police, Kangeyam Police Station, Tiruppur District. 2.The Public Prosecutor, High Court, Madras. Copy To: The Judicial Magistrate, Kangeyam. Page No.9 of 10

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