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Crl.O.P.No.14103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

Crl.O.P.No.14103 of 2025

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1.Muruganandam
2.Manimaran

.. Petitioners

Vs.

State Rep. by
Inspector of Police,
Sethiyathope Police station,
Cuddalore District.
(Suo motu registered as Crime No.112 of 2016)

.. Respondent

Criminal Original Petition filed under Section 528 of BNSS, to call for the records of the impugned charge sheet in S.T.C.No.262 of 2022, earlier (S.T.C.No.23 of 2017) pending on the file of the learned Judicial Magistrate Court-I, Chidambaram and quash the same.

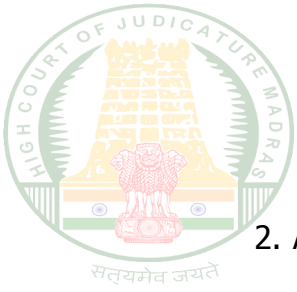
For petitioners : Mr.A.Suresh Sakthi Murugan

For respondent : Mr.S.Vinoth Kumar

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ORDER

The petitioners have filed the present Criminal Original Petition under Section 482 Cr.P.C. seeking quashing of the proceedings in S.T.C.No.262 of 2022 (earlier S.T.C.No.23 of 2017) arising out of Crime No.112 of 2016 registered by the respondent police for the alleged offences under Sections 143 and 188 IPC, which is now pending on the file of the Judicial Magistrate Court-I, Chidambaram.



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2. According to the prosecution, on 05.05.2016, the petitioners, who are said to be members of the organization "Makkal Adhikaram," assembled near a TASMAC liquor outlet in Chidambaram and raised slogans demanding its closure. It is alleged that the protest was held without prior permission and caused obstruction to vehicular traffic. A suo motu FIR was registered by the police, and a charge sheet was later filed under Sections 143 and 188 IPC.

3. The learned counsel for the petitioners submitted that the protest was peaceful and intended to bring attention to the grievances of local residents. The outlet in question was situated in a thickly populated residential locality, and its presence was causing considerable distress to the surrounding community, especially women and children. The protest was part of a larger citizens' movement across the State against the indiscriminate establishment of liquor outlets in residential and sensitive zones. It was further submitted that the FIR was not based on any individual complaint or report of public nuisance but was registered suo motu by the police. There was no allegation of violence, damage, or specific disobedience of any valid or legally binding order.

4. The learned Government Advocate (Criminal Side), appearing for the respondent police, submitted that the assembly was held without permission and had the effect of disrupting public movement, thereby creating a law and order



problem. It was argued that the police were duty-bound to prevent such disorder and had proceeded in accordance with law to safeguard public convenience and ensure compliance with statutory provisions, including curtailing unlawful assemblies to maintain peace.

5. In reply, the learned counsel for the petitioners submitted that the protest was peaceful and caused no disturbance to law and order. He contended that the case was registered not out of any genuine concern for public order but merely to suppress the petitioners' right to protest, and that the allegations do not attract the ingredients of the offences under Sections 143 and 188 IPC.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is not in dispute that the petitioners raised their voice against the establishment of a TASMAL liquor outlet within the jurisdiction of Senthithope Police Station, Cuddalore District. It is also not in dispute that no individual member of the public lodged a complaint against the petitioners. Despite this, the petitioners were implicated by the respondent police, seemingly as a vindictive act. The FIR was registered suo motu by the police, not with the genuine purpose of maintaining public order, but apparently to suppress dissent and protect the continued operation of the liquor outlet, which is alleged to be a significant source of revenue.



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8. In cases of this nature, where members of the public particularly women from the local community raise legitimate concerns about the harmful social impact of liquor outlets operating in residential areas, peaceful protests cannot be treated as criminal acts. The residents, driven by genuine concern, have repeatedly organized agitations and submitted representations to the authorities, yet their voices have gone unheard. While political parties, including those currently in power, made promises during election campaigns to reduce the number of TASMAL outlets, in reality, these shops are merely being relocated rather than shut down, leaving the core issue unaddressed.

9. If the police were to register criminal cases against every individual who participates in such peaceful protests, it would lead to the unjust criminalization of democratic expression. In fact, if such a principle were to be applied consistently, hundreds of women across the State who have taken part in similar demonstrations would also be liable for prosecution. This case clearly shows how the criminal justice system is being wrongly used against people who acted not for themselves, but for the welfare of the community.

10. This Court is of the considered opinion that peaceful protest, particularly on matters affecting public health and social welfare, is a constitutionally protected



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right. Citizens are entitled to express their views and demand accountability from the government, provided such protests remain peaceful and non-violent.

11. In view of the above, this Court is of the opinion that the continuation of proceedings against the petitioners would amount to an abuse of the process of law. Consequently, the proceedings in S.T.C. No. 262 of 2022 pending before the Judicial Magistrate Court-I, Chidambaram, are hereby quashed, and the Criminal Original Petition is accordingly allowed.

03.06.2025

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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No



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To

1. The Inspector of Police,
Sethiyathope Police station,
Cuddalore District
2. The Judicial Magistrate Court-I, Chidambaram.
2. The Public Prosecutor, Madras High Court, Chennai.



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P.VELMURUGAN, J

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