

CRL.OP.No.18935 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP.No.18935 of 2026
and CRL.MP.Nos.12613 & 12614 of 2026

1. Rajkumar
2. Sreethar@Sridharan

..Petitioner(s)

Vs.

1. The State rep. by
The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.
(Crime No.738 of 2024)

2. Kakithaveerababu

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for records in S.T.C.No.921 of 2026 on the file of the Judicial Magistrate Court-I, Ulundurpet and quash the same.

For Petitioner(s):

Mr.M.Kalaiyaran

For Respondent(s):

Mr.M.Mohamed Riyaz, (for R1)
Government Advocate (Crl.Side)



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ORDER

The prayer in this criminal original petition is to quash the proceedings in S.T.C.No.921 of 2026, pending on the file of the Judicial Magistrate Court-I, Ulundurpet.

2. The gist of the allegations against the petitioners and others is that, being members of the Bar, they assembled without any permission and staged a protest demanding that the toll road between Trichy and Chennai be made free of cost for advocates. Consequent to the protest, a case was registered and a final report was filed under Sections 189(2), 223 and 126(2) of the BNS.

3. The learned counsel for the petitioners submitted that regarding the offence under Section 223 of the BNS, the registration of the FIR and the final report are legally unsustainable in view of the law laid down by this Court in *Jeevanandham and others Vs. State rep. by the Inspector of Police and another* reported in *2018 (2) LW Crl.606*. He further submitted that, even otherwise, the petitioners had only staged a peaceful democratic protest.



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4. Heard the submissions made on either side and perused the materials available on record.

5. As rightly contended by the learned counsel for the petitioners, a charge under Section 223 of the BNS, cannot be taken into consideration by this Court except by following the specific procedure prescribed under the BNSS. As far as the remaining two charges are concerned, the records reveal that there was no violence or disturbance to public order. No intention can be gathered from the materials placed along with the final report to suggest that the petitioners intended to commit any criminal offence.

6. The entire episode is nothing but an expression of their right to democratic protest, though for a bizarre reason. Merely because the petitioners are members of the Bar, they cannot be placed on a separate pedestal. When a toll is legally collected from the public, it must be paid by the members of the Bar as well.



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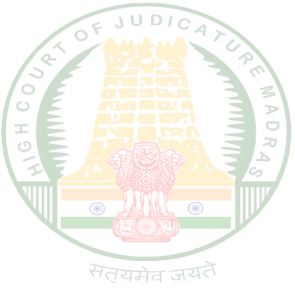
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7. Be that as it may, since the actions of the petitioners and others do not attract the ingredients of any criminal offence, this criminal original petition stands allowed. The final report and all further proceedings in S.T.C.No.921 of 2026 on the file of the Judicial Magistrate Court-I, Ulundurpet, are hereby quashed in their entirety against the petitioners as well as the other accused. Connected miscellaneous petitions are closed.

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Neutral Citation: No

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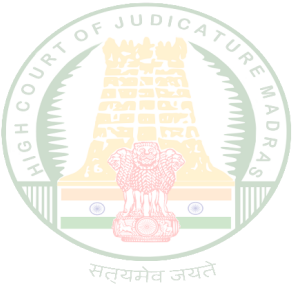
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To

1.The Judicial Magistrate No.I,
Ulundurpet,

2.The Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

3.The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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