

WEB COPY

Crl.O.P.No.29355 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 23.07.2026

Orders pronounced on : **05.08.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.29355 of 2025
and Crl.M.P.No19964 of 2025

1. Ajith Kumar S
2. Subburaj K
3. Balaji P
4. Giridharan R
5. Vignesh V
6. S.Kasirajan
7. Sudhakar V
8. Vijaya Kumar V
9. Esakipandy A
10. Kamesh R

.. Petitioners

Versus

1. The State Rep By its,
Inspector of Police,
Flower Bazaar,
High Court, Chennai.

2. Hari.B
Registrar (Administration),
High Court of Madras.
Chennai – 600 104.

(R2/de facto complainant is impleaded as
per the order of this Court, dated 07.11.2025
in Crl.M.P.No.20791 of 2025 in
Crl.O.P.No.29355 of 2025)

.. Respondents



Crl.O.P.No.29355 of 2025

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.11 of 2025 on the file of the respondent and quash the same.

For Petitioners : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.M.Mohamed Riyaz,
Government Advocate (Criminal Side),
for R1

ORDER

The prayer in this Criminal Original Petition is to call for the records in Crime No.11 of 2025 on the file of the respondent Police and to quash the same.

2. Upon perusal of the allegations contained in the First Information Report, it appears that the Hon'ble Security Committee of the High Court, after perusing the video footage pertaining to the protest of the Advocates, concluded that the said action amounts to obstruction of public servants from performing their duty and also attracts penal offences. Accordingly, it directed that a complaint be forwarded to the Bar Council for further action and that a complaint be forwarded to the Station House Officer, Esplanade Police Station, with a request to register a case and



Crl.O.P.No.29355 of 2025

investigate the matter. Pursuant thereto, the Registrar (Administration), High Court of Madras, lodged a complaint, and the case is now registered for the alleged offences under Sections 186, 152 and 225 of the Indian Penal Code.

3. On further perusal of the material records of the case, it is seen that with reference to Crime No.396 of 2023 on the file of the Sathankadu Police Station, the Police had apprehended two Advocates, *Dinesh* and *Neeraj*, and brought them to be produced before the concerned Court, namely, the Special Court under the N.D.P.S Act, and for that purpose, kept them confined in the Police Control Room Booth. The petitioners/accused, being the Advocates, protested despite warnings from the personnel guarding the Courts inside the Court premises and also prevented the Police from exercising their lawful duty of producing the said two persons for remand.

4. The learned Counsel for the petitioners would submit that it was only a peaceful protest, as the two Advocates were falsely picked up under the N.D.P.S Act and were sought to be produced before the Court by the Sathankadu Police, and they only exercised their democratic right in



Crl.O.P.No.29355 of 2025

favour of their fellow members of the Bar. While it is true that they committed it within the Court premises, the learned Counsel would rely upon the order of this Court in Crl.O.P.No.19420 of 2023 (***C.Raja Vs. State and Anr.***), more fully, upon paragraph No.5 of the order, which reads as follows:-

“5.The demeanor of an Advocate will always be different from the demeanor of a layman. Considering the position that he holds and job that he performs, an Advocate in most of the situations reacts boisterously. This is a character which is developed by an Advocate by virtue of the nature of duty that he performs for his clients. The legal profession involves fighting for the rights of the clients and the Advocate tends to react more aggressively even outside the Courts. It may be true that the petitioner had expressed himself more strongly to defend the rights of his client and that by itself should not result in a criminal prosecution against an Advocate. The main intention on the part of the petitioner was not to prevent the Government officials from performing their function and on the other hand, the petitioner was only attempting to safeguard the rights of his client (A1).”

5. The learned Counsel for the petitioners would further submit that the F.I.R could not have been registered straightaway without a complaint before the appropriate Court for offence under Section 186 of the Indian Penal Code, and would rely upon the judgment of this Court in ***Jeevanandham and Ors. Vs. State rep. by The Inspector of Police and Anr.***¹. The learned Counsel would submit that, except for protesting, it

¹ 2018 (2) LW CrL. 606



Crl.O.P.No.29355 of 2025

cannot be said that they prevented the Police. Realising the mistake, the Police had taken back the accused and, in fact, had let them on Station Bail, and thereafter, till today, no charge sheet whatsoever has been filed as against the two members of the Bar, which would show the justifiability of the protest.

6. Per *contra*, the learned Government Advocate (Criminal Side) for the first respondent would submit that the offences included using force and assaulting the police officers who were only performing their duty. Since the offences are made out, this case cannot be treated like any other democratic protest.

7. I have considered the rival submissions on both sides and perused the material records of the case.

8. Firstly, as far as the offence under Section 186 of the Indian Penal Code is concerned, Section 195 of the Cr.P.C. bars cognisance in the absence of a complaint to the concerned Court and therefore, in view of the law laid down in *Jeevanandham*'s case (cited *supra*), no F.I.R. could have been registered in respect of the said offence. As far as Section 152 of the



Crl.O.P.No.29355 of 2025

Indian Penal Code is concerned, it would be made out only if any public servant, who is on duty in dispersing the unlawful assembly or suppressing a riot or affray, is threatened, obstructed or assaulted. In the instant case, the allegation is that all these accused persons prevented the Police authorities from producing the two Advocates as accused in the criminal case for the purpose of remanding them. Therefore, there is no averment in the First Information Report or in the attendant records with reference to assaulting or threatening the other Policemen who are on duty. The allegation is that, despite warnings, the protesters continued the protest.

9. As far as the offence under Section 225 of the Indian Penal Code is concerned, the offence is attracted when any person offers any resistance or obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence. In this regard, it can be seen that when the Police wanted to produce the two Advocates, namely, *Dinesh* and *Neeraj*, before the Court of law, even if the excess was committed against the Advocates, the lawful way is to appear before the Court before which they are produced, voice their objection, appeal to the learned Presiding Officer not to accept the remand,



and seek lawful remedies.

WEB COPY

10. Further, a protest in a democratic and peaceful manner can also be done to express solidarity and unity. However, in this case, beyond protest, after perusing the videos, the Committee has observed that Advocates were prevented from being produced before the Court. In view thereof, it cannot be said that there is no *prima facie* material to proceed at least with reference to the offence under Section 225 of the Indian Penal Code.

11. At the same time, considering that the respondent Police, after the incident, did not make any further attempt to produce the two persons before the concerned Court but, in turn, they themselves enlarged them on bail and that the case also remains without filing a Final Report till date, and considering the manner of prevention of duty where the protest had exceeded its limits, and considering that the occurrence is of the year 2023 and ultimately the F.I.R was filed in the year 2025 and the petitioners have been facing the proceedings for the past three years, I am of the view that the First Information Report, with reference to Section 225 of the Indian Penal Code, can also be quashed, considering the peculiar

*Crl.O.P.No.29355 of 2025*

nature of the facts of the case, where, even now, it is being asserted that members of the Bar were being targeted without any involvement. However, the same can be done only if the petitioners file an affidavit expressing regret for their extreme behaviour before this Court within ten working days from today.

12. In view thereof, this Criminal Original Petition is disposed of on the following terms:-

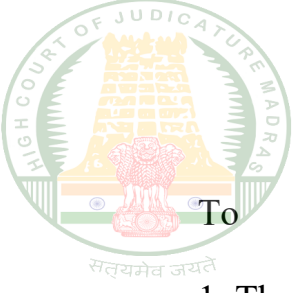
(i) Upon the petitioners filing an affidavit expressing regret for the incident that happened on 02.11.2023, the F.I.R in Crime No.11 of 2025 shall stand quashed.

(ii) If any of the petitioners does not file the affidavit, the case against them can be proceeded with reference to the offence under Section 225 of the Indian Penal Code.

(iii) Consequently, the connected miscellaneous petition is closed.

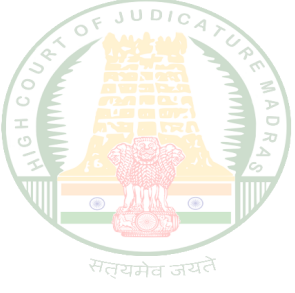
05.08.2026

Neutral Citation : yes
grs



Crl.O.P.No.29355 of 2025

1. The Inspector of Police,
Flower Bazaar,
High Court, Chennai.
2. The Registrar (Administration),
High Court of Madras.
Chennai – 600 104.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29355 of 2025

D.BHARATHA CHAKRAVARTHY, J.

grs

Crl.O.P.No.29355 of 2025
and Crl.M.P.No.19964 of 2025

05.08.2026