

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

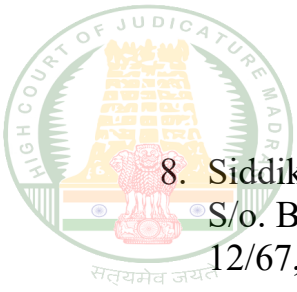
CRL OP No. 24299 of 2026

AND

CRL MP NOS.16185 & 16187 OF 2026

1. P.P.Mohamed
S/o. Ibrahim,
12/1067, 2nd Mile, Gudaur.
2. Sheik Alavudeen
S/o. Amanullah,
24, Periya Thottam, 4th Street,
Kangayam Cross Road,
Thiruppur.
3. Abdul Basheer
S/o. Abdul Azeeze,
11/07, Chempala, Gudalur.
4. Zakkir Hussain
S/o. Hamsa,
11/340, Kasimvayal, Gudalur.
5. Firozkhan
S/o.Hassan,
No.13/468, Kasimvayal,
Gudalur.
6. Sirajudheen
S/o. Boobackar,
12/735, Chevidipettaim
Gudalur.
7. Abdul Kaboor
S/o. Abdul Azeez,
13/458, Kasimvayal,
Gudalur.

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8. Siddik Ali
S/o. Babu,
12/67, Athipali, Gudalur.

9. Jamsir
S/o. Aboo,
12/126, Athipalli, Gudalur.

10. Abdul Azeez
S/o. Moidu,
15/24, Athipali, Gudalur.

11. Ketheeshwaran
S/o. Ramachandran,
7/57, Bharathi Nagar,
Ovalley, Gudalur.

12. S. Raj
S/o. Shanmugam,
19/379, Savipatai,
Gudalur.

13. Sagadevan
S/o. Karuppanan,
2/113, Lawraston No.4,
Ovalley, Gudalur.

14. Thuhil Megam
S/o. Periyasamy,
19/613, S.S. Nagar,
Gudalur.

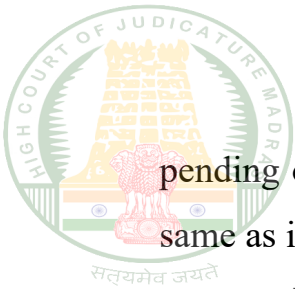
..Petitioner(s)

Vs

State Rep. by its, The Sub Inspector of Police,
Gudalur Police Station,
The Nilgiris District.
Cr.No.269 of 2025.

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS,
praying to call for the records relating to the case in STC.No.201 of 2026



pending on the files of the court of Judicial Magistrate, Gudalur and quash the same as illegal and without Jurisdiction and thus render justice.

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For Petitioner(s):

Mr.I.Abdul Basith

For Respondent(s):

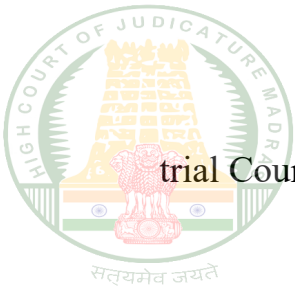
Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Crl. Side)

Order

This Criminal Original Petition is filed to call for the records relating to the case in STC.No.201 of 2026 pending on the files of the court of Judicial Magistrate, Gudalur and quash the same as illegal and without Jurisdiction.

2.The case of the prosecution is that on 05.10.2025, at about 06.00 p.m., the petitioners were unlawfully gathered and raised slogans in support of the Palestinian people and against the genocide being perpetrated against them. Subsequently, an FIR came to be registered in Crime No.269 of 2025 for the alleged offences under Sections 189(2) and 126(2) of BNS by the respondent, which was taken cognizance of by the trial Court in STC.No.201 of 2026.

3.The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the respondent police registered a case in Crime No.269 of 2025 for the offences under Sections 189(2) and 126(2) of BNS, as against the petitioners, which was taken cognizance of by the



trial Court in STC.No.201 of 2026. Hence, he prayed to quash the same.

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4.The learned Counsel for Government of Tamil Nadu (Crl.side) would submit that the investigation is almost completed and the respondent police has filed the final report, which was taken cognizance of by the trial Court in STC.No.201 of 2026.

5.Heard the learned counsel for the petitioners and the learned Counsel for Government of Tamil Nadu (Crl.side) for the respondent and perused materials available on record.

6.It is to be noted that while exercising the power under Section 482, the Court should be slow, at the same time, if the Court finds that from the entire materials collected by the prosecution taken as a whole, would not constitute any offence, in such situation, directing the parties to undergo ordeal of trial will be a futile exercise and it will infringe the right of the persons and in this regard, the Apex Court in ***State of Haryana and others Vs. Bhajan Lal and Others*** reported in ***1992 Supp (1) Supreme Court Cases 335***, has been held as follows :

“

(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face



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value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or -complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously



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instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

7. It is also relevant to note the definition of Unlawful Assembly:

“Unlawful Assembly-

An assembly of five or more persons is designated an unlawful assembly, if the common object of the persons composing that assembly is -

(i) to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

(ii) to resist the execution of any law, or of any legal process; or

(iii) to commit any mischief or criminal trespass, or other offence; or

(iv) by means of criminal force, or show of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

(v) by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.-

8. Only when the assembly fit into any of the above circumstances, it



could be construed as unlawful. The accused had not shown any criminal force to commit any mischief, crime or any offence or by way of criminal force or tried to take possession of the property or right to use of incorporeal right which is in possession of enjoyment of others or rights. That apart, there are also no ingredients in the charge sheet to attract the offence under Section 126(2) of BNS.

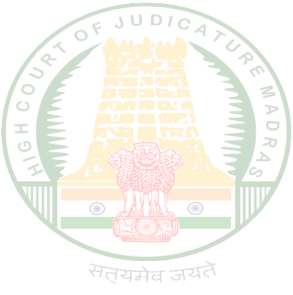
9. Accordingly, this Criminal Original Petition stands allowed and the STC.No.201 of 2026 pending on the file of the Judicial Magistrate, Gudalur, is hereby quashed, as against the petitioners alone. Consequently, the connected Miscellaneous Petitions are closed.

31-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AH

To

1. The Judicial Magistrate, Gudalur.
2. The Sub Inspector of Police,
Gudalur Police Station, The Nilgiris District.
3. The Public Prosecutor, High Court, Madras.



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CRL OP No. 24299 of 2



G.K.ILANTHIRAIYAN J.

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