

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

**CRL OP No. 23315 of 2026
AND CRL MP NO. 15477 OF 2026**

1. Abbas @ Bag Abbas,
S/o.Hanifa,
District Treasurer,
Tamilnadu Muslim Munnetra Kazhagam,
No.89, North Housing Unit, Selvapuram,
Coimbatore – 641026.
2. Haroon Rashith,
S/o.Ismail,
Selvapuram Branch President
Tamil Nadu Muslim Munnetra Kazhagam,
No.31, Sowdeswari Colony, Selvapuram,
Coimbatore 641 026.
3. Mohamed Ibrahim,
S/o.Anifa,
District Assistant Secretary,
Tamil Nadu Muslim Munnetra Kazhagam,
S/o.Sheik Alavudeen Batcha,
No.87, South Housing Unit,
Kumarapalayam Post,
Coimbatore 641026.
4. Rsheetha Begam,
W/o.Mohammad Hanif,
District Assistant Secretary,
Tamilnadu Muslim Magalir Peravai,
S-53, South Housing Unit,
Selvapuram,
Coimbatore 641026.



WEB COPY

5. Radhika,
W/o.Murugan,
State Secretary,
All India Women Federation
No.444, Kannan Nilayam,
Perur Main Road,
Muthusamy Colony,
Coimbatore 641 026.
6. Rihana Aalima Sitheeka @ Rihana,
W/o.Abuthahir,
Branch Secretary,
Tamilnadu Muslim Magalir Peravai,
No.34, Karunanidhi Nagar,
Saibaba Kovil,
Coimbatore.
7. Sarbudeen,
State Volunteer Wing Secretary,
Tamil Nadu Muslim Munnetra Kazhagam,
S/o.Abdul Kadar,
No.3 a, 2nd Street,
Thirumarai Nagar,
Coimbatore 641 023.
8. Shahul Hameed,
S/o.Moosa,
State Executive Member,
Tamil Nadu Muslim Munnetra Kazhagam,
No.3, Sakthi Nagar,
Coimbatore South,
Coimbatore 641008.

..Petitioner(s)

Vs

The State represented by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore City.

..Respondent(s)



PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records relating to the impugned charge sheet C.C.No.4408/2025 in Crime No.101/2022 on the file of the respondent/police and to quash the same.

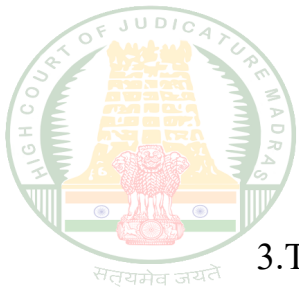
For Petitioner(s): Mr.D.Murthy

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 impugned charge sheet in C.C.No.4408/2025 on the file of the Judicial Magistrate No.V, Coimbatore in Crime No.101/2022 on the file of the respondent/police and to quash the same.

2.The case of the prosecution is that on 26.03.2022, the accused, along with others affiliated with the Tamil Nadu Muslim Munnetra Kazhagam, unlawfully assembled at Selayurpuram, blocked the road, raised slogans and staged a protest against the Hijab Ban imposed on Muslim female students in Karnataka, and delivered inflammatory speeches. Hence, the complaint.

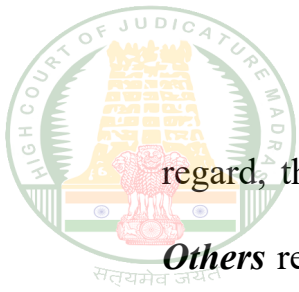


3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any basis, the first respondent police registered a case in Crime No.101 of 2022 for the offences under Sections 143, 341 and 153 of IPC, as against the petitioner. Hence, he prayed to quash the same.

4.The learned Government Advocate (Crl.side) would submit that the investigation is almost completed and that the respondent police have filed a final report, which has been taken cognizance of by the trial Court in C.C.No.4408 of 2025.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first 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 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;



WEB COPY

(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 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-

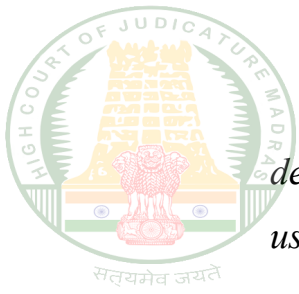
An assembly of five or more persons is designated an unlawful assembly, if the common object of the persons composing that assembly is -

(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



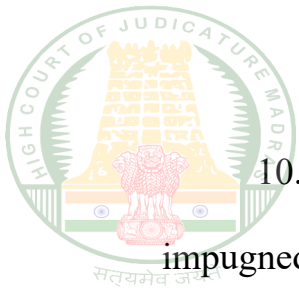
WEB COPY

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 an assembly fit into any of the above circumstances, it could be construed as unlawful. In the case on hand, 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 or enjoyment of others or rights. Mere protest is insufficient to attract the charges under Sections 143, 341 and 153 of IPC.

9. It has been held by a catena of decisions of the Hon'ble Supreme Court of India that the right to freely assemble and to freely express one's view are constitutionally protected under Part III and their enjoyment can be restricted only in a reasonable manner. Therefore, the impugned proceedings against the petitioner cannot be sustained and are liable to be quashed.



10. Accordingly, this Criminal Original Petition stands allowed and the impugned charge sheet in C.C.No.4408 of 2025, pending on the file of the Judicial Magistrate No.V, Coimbatore arising out of Crime No.101 of 2022 registered by the respondent police for the offences under Sections 143, 341 and 153 of IPC, is hereby quashed insofar as the petitioner is concerned. Consequently, the connected Miscellaneous Petition is closed.

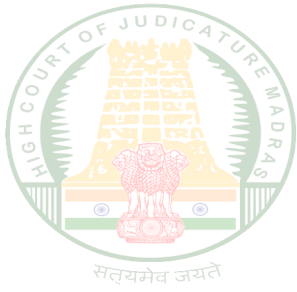
20-08-2026

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

AH

To

- 1.The Judicial Magistrate No.V, Coimbatore.
- 2.The Inspector of Police,
Selvapuram Police Station, Coimbatore City.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY

CRL OP No. 23315 of 2



G.K.ILANTHIRAIYAN J.

AH

**CRL OP No. 23315 of 2026
AND
CRL MP NO. 15477 OF 2026**

20-08-2026