



Crl.O.P.No.27515 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.27515 of 2025

and

Crl.M.P.Nos.18575 and 18577of 2025

1. Sureshababu
2. Ganeshbabu @ Kanmanibabu
3. Nagaraj
4. Gopi @ Gopinath
5. Senthilkumar ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
R.S. Puram Police Station,
Coimbatore City.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet pending on the file of the learned Judicial Magistrate No.I, Coimbatore District in C.C.No.1217 of 2024, filed by the respondent herein and quash the same.



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For Petitioners : Ms.B.Sruthi
for Ms.A.Jagadeeswari

For Respondent : Mr.R.Vinothraja
Public Prosecutor (Coimbatore City)

ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.1217 of 2024, pending on the file of the learned Judicial Magistrate No.I, Coimbatore District.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for first respondent.

3. Based on the complaint lodged by one A.Nagarajan, alleging that by installing the LED screen in front of the Kamarajapuram Ram Temple Bhajanai Math to telecast the live of Ayodhya Ram Mandir ceremony, the accused caused a traffic jam and disturbance to the public, a case in Crime No. 21 of 2024 came to be registered for the offence under Sections 143, 341 and 290 IPC. After completion of investigation, a charge sheet was filed against the petitioners and the same was taken cognizance in



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C.C.No.1217 of 2024 before the learned Judicial Magistrate No.I,

WEB COIMBATORE District.

4. The learned counsel appearing for the petitioners submitted that there are no specific allegations against the petitioners and that no other materials are available to substantiate the prosecution case. He further submitted that the prosecution has been launched on false allegations and even if the entire prosecution case is taken at its face value, the same would not constitute any offence. He also submitted that continuing the prosecution would amount to nothing but an abuse of process of law. He also submitted that in fact, this Court, vide order dated 22.01.2024 in W.P.No.1430 of 2024, had granted permission subject to certain conditions and that the petitioners have complied with those conditions and further, placed the LED screen only in front of the temple and not on the public road.

5. Heard both sides and perused the materials available on record.

6. The relevant paragraphs pertaining to the conditions imposed



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by this Court in W.P.No.1430 of 2024, dated 22.01.2024, are extracted

WEB hereunder :-

“6. The following has been made clear by the Government and they are;

(a)The functions / Bhajans / Annadhanams that are conducted in private enclosures like mandapams, private temples and any other private place etc., does not require any permission from the police. It will be left open to the organizers to make arrangements for live streaming of the Pran Prathishta at Ayodhya.

(b)Where, by conducting such functions, there is a possibility of spill over to the place which is accessed by the general public, the same has to be informed to the police in order to enable the police to take necessary measures to keep the situation under control and to ensure that no disturbance is caused to the free movement of the general public.

(c) If such functions are planned to be conducted within temples, which are within the control of the HR & CE Department, the concerned official belonging to the Department must be informed about the same before hand, and the permission will be granted subject to reasonable conditions imposed by the Department, and

(d) Wherever, considering the local situation, the police is of the opinion that the area is sensitive, it will be left



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open to the police to impose such restrictions and to ensure that the function does not lead to any unnecessary law and order problem.

7. The above stand taken by the State Government and the Police makes it quite clear that conducting the function considering the auspicious occasion, singing Bhajans / uttering Rama Nama / Annadhanams is not per se prohibited or restricted and it must be borne in mind that all this will be done in a responsible and pious manner today without giving rise to any law and order problem. No misinformation or wrong information must be permitted to be spread and this will be kept in mind by all parties concerned. Ultimately everyone concerned must keep in mind that Bhakti towards God is only for peace and happiness and not to disturb the equilibrium prevailing in the society.”

7. Now, it is the case of the prosecution that the petitioners had installed the LED screen in a public place and thereby committed the aforesaid offence. It is a matter of common knowledge that whenever functions relating to different religions are conducted, there may be certain groups having grievances. Therefore, merely because some people gathered to watch said functions, it cannot be said as an unlawful assembly so as to attract the aforesaid offence. Further, there was no public nuisance. Hence, merely on the basis of the complaint lodged by an individual, the



prosecution cannot be sustained for the aforesaid reasons.

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8. It is to be noted that while exercising the power under Section 482 Cr.P.C (corresponding to Section 528 BNSS), the Court should be slow. At the same time, if the Court finds that the entire materials collected by the prosecution, taken as a whole, would not constitute any offence, in such a situation, directing the parties to undergo the ordeal of trial would be a futile exercise and would infringe the right of the persons concerned. 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;



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



9. 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.'

10. Only when the assembly fit into any of the above circumstances, it could be construed as unlawful. The materials collected by the



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prosecution do not show that the accused had shown any criminal force to
commit any mischief, crime or any offence or by way of criminal force,
tried to take possession of the property or exercise any incorporeal right in
the possession or enjoyment of others.

11. Even as per the First Information Report, it is not the case of the
de facto complainant that the accused have unlawfully assembled and used
force or violence and hence, the offence under section 143 of IPC is not
attracted.

12. Considering the above facts, this Court is of the view that the
mere launching of an FIR by the prosecution itself is not sufficient to reach
to the conclusion that the offences are made out. The materials collected by
the prosecution do not support the case, therefore, continuing the
prosecution on such shaky grounds or without any materials would amount
to a clear abuse of the process of law.

13. Accordingly, this Criminal Original Petition is allowed and the
proceedings pending in C.C.No.1217 of 2024, on the file of the learned



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Judicial Magistrate No.I, Coimbatore District, is quashed as against the
WEB petitioners. Consequently, the connected miscellaneous petitions are closed.

08.10.2025

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Neutral Citation: Yes/No

To

1. The Judicial Magistrate No.I,
Coimbatore District.
2. The Inspector of Police,
R.S. Puram Police Station,
Coimbatore City.
3. The Public Prosecutor ,
High Court of Madras.



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N. SATHISH KUMAR, J.

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