



REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 3298 OF 2025

(Arising out of Special Leave Petition (Crl.) No.5247 of 2025)

MANCHU MOHAN BABU

APPELLANT

VERSUS

**STATE OF ANDHRA PRADESH
& ANOTHER**

RESPONDENTS

WITH

CRIMINAL APPEAL NO. 3299 OF 2025

(Arising out of Special Leave Petition (Crl.) No.8623 of 2025)

MANCHU VISHNU VARDHAN BABU

APPELLANT

VERSUS

**STATE OF ANDHRA PRADESH
& ANOTHER**

RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. Being aggrieved and dissatisfied by the judgement dated 02.01.2025 passed by the High Court of Andhra Pradesh at Amaravati whereby the High Court dismissed the application filed by the appellants herein in Criminal Petition No.7446 of 2022 under Section 482 of the Code of Criminal Procedure, 1973 (for short, “CrPC”) and refused to quash C.C. No.1015 of 2021 on the file of the Court of the IV Additional Junior Civil Judge, Tirupati for the offences punishable under Sections 290, 341 and 171F read with Section 34 of the Indian Penal Code, 1860 (for short, “IPC”) and Section 34 of the Police Act, 1861, the appellants are before this Court.

3. The appellant Manchu Mohan Babu in Criminal Appeal arising out of SLP (Crl.) No.5247 of 2025 is the Chairman of Sri Vidyaniketan Educational Institutions and the appellant Manchu Vishnu Vardhan Babu in Criminal Appeal arising out of SLP (Crl.) No.8623 of 2025 is the son of Manchu Mohan Babu (hereinafter, “the appellants”).

3.1 Briefly stated the facts of this case are that the General Elections for the Lok Sabha and the Legislative Assembly in Andhra Pradesh were scheduled on 11.04.2019 and as a consequence, the Model Code of Conduct came into force on 10.03.2019 restricting public meetings, dharnas, rallies and road shows without prior permission from the Competent Authority until the end of the electoral process. On 13.03.2019, the Sub Divisional Police Officer, Tirupati West issued Prohibitory orders under Section 30 of the Police Act, 1861 restricting such public gatherings.

4. It is the case of the respondent-State that on 22.03.2019 at about 8:30 AM, the appellants and some others comprising of staff and students congregated together to conduct a rally along the Tirupati-Madanapalli Road, by raising slogans against the-then Government of Andhra Pradesh for not granting student fee reimbursements. They further are described to have raised slogans and conducted a dharna on the same day from 8:30 AM to 12:30 PM.

5. The above acts are alleged to have caused obstruction to the free flow of traffic, inconvenience, annoyance and risk to passengers.

6. On receipt of the said information about the rally and dharna, the Mandal Parishad Development Officer and In-charge of the Model Code of Conduct Team-IV, Chandragiri Assembly Constituency arrived at the spot, videographed the rally and dharna and registered a written complaint with the police. Consequently, an FIR bearing No. 102 of 2019 came to be registered on 22.03.2019 against the aforesaid appellants and other participants in the rally and dharna at the Chandragiri Police Station, District – Tirupati Urban.

7. Statements of certain witnesses having been recorded, a chargesheet came to be filed on 03.06.2020 against the appellants in C.C. No. 1015/2021.

8. Being aggrieved by the said criminal proceedings, the appellants approached the High Court of Andhra Pradesh at

Amaravati by filing Criminal Petition No.7446 of 2022 seeking quashing of the criminal proceedings in C.C. No.1015 of 2021. Vide impugned order dated 02.01.2025, the High Court dismissed the said petition. The High Court noted that there are specific allegations leveled against the appellants in the commission of the alleged offences and observed that there were no tenable grounds to quash the proceedings. Hence the instant appeal.

9. We have heard the learned counsel for the appellants and the learned counsel for the respondent-State.

10. Sri Raghavendra S. Srivatsa, learned senior counsel for the appellants submitted that the appellants were merely exercising their fundamental rights of freedom of speech and expression and that the rally and dharna in question did not cause any form of obstruction to the general public. That the rally and dharna were both conducted peaceably and without arms. It was further contended that the Model Code of Conduct would not govern the appellants as they are private citizens. That the criminal

proceedings initiated are nothing but an abuse of the process of law to scuttle the constitutionally guaranteed fundamental rights of the appellants. That the High Court has not appropriately applied the '*Bhajan Lal* test' to determine if the criminal proceedings are to be quashed. That no ingredients of the alleged offences have been made out. Therefore, it was argued that this Court may set-aside the impugned order dated 02.01.2025 and quash the criminal proceedings pending against the appellants herein in C.C. No. 1015 of 2021.

10.1 *Per contra*, Ms. Prerna Singh, learned counsel for the respondent-state contended that the dharna and rally were conducted without prior permission of the concerned authorities, blocked the traffic for several hours and caused public nuisance and inconvenience. That reasonable restrictions may be applied to the fundamental right to congregate peaceably.

11. We have given our thorough consideration to the arguments advanced at the bar and in light of the material on record.

12. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is, whether, the criminal proceedings in C.C. No. 1015 of 2021 against the appellants herein ought to be quashed.

13. In ***State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 (“Bhajan Lal”)***, this Court formulated the parameters in terms of which the powers under Section 482 of CrPC may be exercised. While it is not necessary to revisit all those parameters, a few that are relevant to the present case may be set out. The Court held that quashing may be appropriate in the following circumstances:

“102. (1) 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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).

(3) 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.”

14. Further, this Court in ***Pepsi Foods Ltd. vs. Special Judicial Magistrate, (1998) 5 SCC 749***, while affirming ***Bhajan Lal*** has held that:

“22. It is settled that High Court can exercise its power of judicial review in criminal matters. In *State of Haryana and Ors. v. Bhajan Lal and Ors.*, this Court examined the extraordinary power under Article 226 of the Constitution and also the inherent powers under Section 482 of the Code which it said could be exercised by the High Court either to prevent abuse of the process of any court or otherwise to secure the ends of justice. While laying down certain guidelines where the court will exercise jurisdiction under these provisions, it was also stated that these guidelines could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. One of such guidelines is 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. Under Article 227 the power of superintendence by the High Court is not only of

administrative nature but is also of judicial nature. This article confers vast powers on the High Court to prevent the abuse of the process of law by the inferior courts and to see that the stream of administration of justice remains clean and pure. The power conferred on the High Court under Articles 226 and 227 of the Constitution and under Section 482 of the Code have no limits but more the power more due care and caution is to be exercised invoking these powers. ...”

(Underlining by us)

15. This Court, in ***Madhavrao Jiwajirao Scindia vs. Sambhajirao Chandojirao Angre, (1988) 1 SCC 692***, reasoned that the criminal process cannot be utilized for any oblique purpose and held that while entertaining an application for quashing an FIR at the initial stage, the test to be applied is whether the uncontroverted allegations *prima facie* establish the offence. This Court also concluded that the court should quash those criminal cases where the chances of an ultimate conviction are bleak and no useful purpose is likely to be served by continuation of a criminal prosecution. The aforesaid observations squarely apply to this case.

16. On perusal of the FIR of the instant case, it is noted that respondent No.2-complainant has filed the FIR invoking Sections 290, 341, 171F read with Section 34 of the IPC and Section 34 of the Police Act. For ease of reference, the aforesaid Sections are extracted as under:

IPC:

“290. Punishment for public nuisance in cases not otherwise provided for.— Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.”

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341.Punishment for wrongful restraint.—Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both”

XXX

171F. Punishment for undue influence and personation at an election: Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

XXX

34. Acts done by several persons in furtherance of common intention: When a criminal act is done by several persons in furtherance of common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.”

XXX

Police Act, 1861

34. Punishment for certain offences on roads, etc:- Powers of police officers -

Any person who, on any road or in any open place or street or thoroughfare within the limits of any town to which this section shall be specially extended by the State Government, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger of damage of the residents or passengers shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour not exceeding eight days; and it shall be lawful for any police officer to take into custody; without a warrant, any person who, within his view, commits any of such offences namely:-

First - Slaughtering cattle, Curious riding, etc.- Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle;

Second - Cruelty to animal - Any person who wantonly or cruelly beats, abuses or tortures any animal;

Third - Obstructing passengers - Any person who keeps any cattle or conveyance of any kind standing longer, than is required, for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public;

Fourth - Exposing goods for sale - Any person who exposes any goods for sale;

Fifth - Throwing dirt into street - Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials, or who constructs any cowshed, stable or the like or who causes any offensive matter to run from any house, factory, dung-heap or the like;

Sixth - Being found drunk or riotous - Any person who is found drunk or riotous or who is incapable of taking care of himself;

Seventh - Indecent exposure of person - Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir, not being a place set apart for the purpose;

Eighth - Neglect to protect dangerous places - Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.”

17. In the present case, the issue that had to be addressed by the High Court was whether, assuming all the allegations in the FIR and chargesheet are correct as they stand, offences punishable under the aforesaid sections were made out.

18. On a combined reading of the FIR and the charge-sheet, we fail to understand as to how the allegations against the appellants herein could be brought within the scope and ambit of the aforesaid provisions. Taking the allegations in the FIR and the charge-sheet as they stand, the crucial ingredients of the offences under Sections 290, 341, 171F read with 34 IPC and Section 34 of the Police Act, 1861 are entirely absent. A reading of the FIR and the charge-sheet neither discloses any act committed or illegal commission that caused common injury, danger, annoyance to the public or any section of the public or interference with their public rights, nor do they disclose any voluntary obstruction to a person that prevents them from proceeding in any direction that they have a right to proceed in. Further they do not disclose any material to suggest that there was any undue influence at elections, impersonation at elections or any act committed with the intention to interfere with the free exercise of electoral rights. Further they do not suggest that any act was committed on a road or in an open place within the limits of a town that caused inconvenience,

annoyance or posed a risk of danger or inquiry or damage to the public, and do not disclose any of the eight specified actions under Section 34 of the Police Act, 1861. Therefore, even if the case of the respondent-State is accepted at its face value, it cannot be concluded that the appellants, while conducting the rally and dharna, engaged in any form of obstruction of the road in a manner that led to the offences alleged. The appellants were exercising their right to freedom of speech and expression and to assemble peacefully. Therefore, no purpose will be served by continuing the prosecution.

19. As demonstrated in the above analysis, the facts as they stand, which are not in dispute, indicate that the ingredients of the offence under Sections 290, 341, 171F read with Section 34 of the IPC and Section 34 of the Police Act, 1861 are not established. The High Court erred in concluding that there were specific allegations against the appellants and that there were no tenable grounds to quash the proceedings, and therefore, proceeded to dismiss the application under Section 482 CrPC on a completely misconceived

basis. It would have been appropriate for the High Court to have exercised the power available under Section 482 CrPC to prevent abuse of the court's process.

20. On a careful consideration of the aforementioned facts and judicial dicta, we find that none of the offences alleged against the appellants herein is made out, therefore, the judgments of this Court in the case of **Bhajan Lal** and particularly sub-paragraphs (1), (2) and (3) of paragraph 102, extracted above and **Pepsico**, squarely apply to the facts of these cases. It is neither expedient nor in the interest of justice to permit the present prosecution to continue.

21. In the result, we allow these appeals and set-aside the impugned judgment. The application under Section 482 of CrPC on the file of the High Court shall accordingly stand allowed. The FIR No.102 of 2019 dated 22.03.2019 registered at Police Station Chandragiri, District Tirupati under Sections 290, 341, 171F read with Section 34 of the IPC and Section 34 of the Police Act, 1861

and the proceedings in C.C. No.1015 of 2021 shall accordingly stand quashed.

.....**J.**
(B. V. NAGARATHNA)

.....**J.**
(K.V. VISWANATHAN)

NEW DELHI;
JULY 31, 2025