



Crl.OP(MD).No.12564 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 11.08.2026

PRONOUNCED ON : 13.08.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.12564 of 2026

and

Crl.M.P(MD)Nos.12351 & 12352 of 2026

M.Murugan

...Petitioner/Accused No.I

Vs

1.The State of Tamil Nadu Represented by
The Inspector of Police
Subramaniyapuram Police Station
Madurai City
Madurai District
Crime No.60 of 2025

.....1st Respondent/Respondent

2.Mr.J.Muthuraja
Sub Inspector of Police
Subramaniyapuram Police Station
Madurai City
Madurai District

....2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records and quash the final report filed against the petitioner in STC.No.14562 of 2025 on the file of the Judicial Magistrate Court No.IV, Madurai in respect of Crime No.60 of 2025 on the file of the first respondent police.



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For Petitioner : Mr.M.Karunanidhi
for Mr.P.Manikandan

For Respondent :Mr.P.Samuel Gunasingh
Government Advocate (Crl.side) for R1

ORDER

The present petition has been filed by accused No.1 in S.T.C.No.14562 of 2025 on the file of the Judicial Magistrate No.IV, Madurai seeking to quash the charge sheet wherein he is charged with the offence under Section 223 and 292 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 and Section 3-A of Tamil Nadu Town Nuisance Act, 1889.

2. A perusal of the charge sheet reveals that the petitioner is a practising Advocate and a member of Hindu Munnani Party. The second accused is the State General Secretary of Hindu Temple Protection Organisation. He is also an Advocate. The third accused is the State level administrator of Hindu Dharma Parishad and he is also an Advocate.

3.It is alleged in the charge sheet that at about 5.00 p.m on 04.02.2025, the accused person and others had led a protest after obtaining permission based upon the orders passed by Madurai Bench of Madras High Court. During protest, in violation of the order of the High Court, they have used



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more than one mega phone and causing noise and inconvenience to the general public.

4. According to the learned counsel appearing for the petitioner, the offence under Section 223 of BNS (188 of IPC), the Court cannot take cognizance of the said offence unless stipulation under Section 215 of BNSS (195 of Cr.P.C) is satisfied. He further submitted that as per Section 195(1) of Cr.P.C., the Court cannot take cognizance of an offence punishable under Section 223 BNS (188 IPC) except on a complaint in writing of a public servant.

5. The learned counsel for the petitioner had relied upon a decision of this Court reported in **2018-2-L.W (Crl.) 606 (Jeevanandham and others Vs.State rep.by the Inspector of Police, Velayuthampalayam Police Station, Karur District and another)** especially in Paragraph Nos.17, 19 and 27 and contends that the offence being cognizable by itself does not enable the police official to register the F.I.R for an offence under Section 188 of IPC. In such circumstances, the final report under which cognizance has been taken is void ab initio and registration of the F.I.R for an offence under Section 188 of IPC will also become void. The learned counsel had also relied upon the decisions of this Court in **Crl.OP(MD).No.3776 of 2020 (A.Kamaraj and others Vs. The Inspector of Police, Tirunelveli District and another)** dated



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28.02.2020 and ***Crl.OP(MD).No.429 of 2026*** (*G.Palanisamy Vs. The Inspector of Police, Villor Police Station Madurai District and another*) dated 01.06.2026 in support of his contentions.

6.The learned counsel for the petitioner had further contended that the offence under Section 292 of BNS and Section 3-A of Tamil Nadu Town Nuisance Act, 1889 are non-cognizable offences and therefore, the FIR cannot be registered for an offence under Section 292 of BNS and Section 3-A of Tamil Nadu Town Nuisance Act, 1889 without appropriate orders being passed under Section 154 of Cr.P.C.

7.In view of the above said submissions, the learned counsel for the petitioner had prayed for quashing of the charge sheet.

8.Per contra, the learned Government Advocate (crl.side) appearing for the first respondent had contended that the petitioner cannot claim an absolute and unrestricted right to conduct a public meeting /protest without complying with the conditions imposed by the competent authority. He further pointed out that the High Court in WP(MD).Nos.3363 and 3364 of 2025 while granting permission only subject to certain conditions that the petitioner could not use more than one mega phone/loudspeaker.

9.The learned Government Advocate (Crl.side) had further stated that the petitioner had used more loudspeaker, causing inconvenience to the



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general public at the locality which is clearly in violation of the orders of the High Court. He had further submitted that the petitioner when relying upon the orders of the High Court in granting permission to conduct meeting, he cannot ignore the same orders were conditions imposed upon the petitioner for conducting such a demonstration. The right to freedom of speech and peaceful assembly is subject to the restrictions contemplated under law especially where the High Court granted permission subject to certain conditions.

10.The learned Government Advocate (Crl.side) had further submitted that the present criminal proceedings cannot be construed to be an abuse of process of law, in view of the fact that the alleged occurrence and the investigation and after investigation, the final report has been filed based upon the condition imposed by the Hon'ble Supreme Court. He had further submitted that the extraordinary circumstances have not been made out by the petitioner for quashing of the charge sheet.

11. Heard the learned counsel appearing on either side and perused the material records.

12.As could be seen from the charge sheet, the petitioner is charged with the offence under Section 223 BNS (188 of IPC), 292 BNS (290 of IPC) and Section 3A of Tamil Nadu Town Nuisance Act, 1889.



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13.As far as the charges under Section 223 of BNS is concerned, as rightly pointed out by the learned counsel for the petitioner, in view of Section 295 of BNSS (195 of Cr.PC), the Court cannot take cognizance unless the condition stipulated under the said sections are satisfied. The Court has taken cognizance not based upon a complaint of a public servant but only on a police report. Therefore, it is clear that the registration of F.I.R for an offence under Section 188 of IPC will itself be void and as a consequence, the charge sheet laid under the said Section.

14.As far as the charges under Section 292 of BNS and Section 3-A of Tamil Nadu Town Nuisance Act, 1889 are concerned, admittedly they are non-cognizable offence. In such circumstances, the Court ought not to have taken cognizance for the above said charges based upon a police report when no direction was issued for registration of F.I.R. by the concerned Court.

15.In such view of the matter, this Court is of the considered opinion that continuation of the criminal proceedings as against the petitioner would only be an abuse of process of law and hence, the charge sheet in STC.No. 14562 of 2025 on the file of the Judicial Magistrate No.IV, Madurai stands quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

13.08.2026



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Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa

To

1.The Judicial Magistrate No.IV
Madurai

2.The Inspector of Police
Subramaniyapuram Police Station
Madurai City
Madurai District
Crime No.60 of 2025

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai



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R.VIJAYAKUMAR, J.

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