



CRL OP(MD). No.14724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12.12.2025

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THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.14724 of 2024
and
Crl.M.P.(MD).No.9200 of 2024

1.Prabhu @ Sasikumar

2.Rajangam

3.Adithya

4.Mani @ Anbu Manikandan

5.Ajay

... Petitioners

Vs.

1. State of Tamilnadu Rep by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.195 of 2022)

2.Meenakshisundaram,
Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.

... Respondents

PRAYER :- This Petition is filed under Section 528 BNSS, to call for the entire relevant records connected to the First Information Report in

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Crime No.195 of 2022, dated 18.07.2022 pending on the file of the first respondent Police Station and quash the same as illegal as against the petitioners.

For Petitioner : Mr.M.Paramasivam
For Respondents : Mr.B.Thanga Aravindh, (for R1)
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking to quash the First Information Report in Crime No.195 of 2022, dated 18.07.2022 pending on the file of the first respondent Police Station, which was registered for the offences under Sections 143, 283 and 341 of IPC.

The brief facts leading to the filing of this petition are as follows:

2. The FIR was registered on 18.07.2022 alleging that on the same day, at about 09.00 a.m., the petitioners and other accused persons held a demonstration without prior permission, seeking basic amenities for the Government Higher Secondary School, Elumpur, on the Kulamangalam–Melapanakadi Road near the Elumpur Bus Stand. Aggrieved by the registration of the FIR, the petitioners have approached this Court with the present petition seeking to quash the same.



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3. The petitioners contend that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the alleged protest was conducted peacefully and that peaceful expression of opinion is a constitutionally guaranteed right under Article 19(1)(a) of the Constitution of India. It is their case that expressing one's views in a democratic nation cannot be criminalised unless the act satisfies the ingredients of a penal provision.

4. The learned counsel for the petitioners submitted that the FIR does not contain any specific overt act attributable to any of the petitioners. The complaint does not whisper any material to show that the petitioners indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public. Therefore, the essential ingredients of Sections 143, 283 and 341 of IPC are not disclosed.



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5.It is further argued that the allegations in the FIR are vague, sweeping and intended only to portray a peaceful assembly as illegal. Criminal law cannot be invoked to curtail peaceful expression, which is the bedrock of democratic governance.

6.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that based on the complaint received, the respondent police registered the FIR and that the investigation is in its nascent stage. According to him, the petitioners have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

7.I have considered the submissions of both sides and perused the materials placed on record. A careful reading of the FIR reveals that no specific overt act has been attributed to the petitioners. There is no allegation of violence, obstruction, public nuisance or disturbance.

8.Article 19(1)(a) and 19(1)(b) of the Constitution guarantee freedom of speech and expression, and the right to peaceful assembly



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without arms. These rights can be restricted only by reasonable restrictions provided by law. The Hon'ble Supreme Court has consistently held that peaceful protest is a recognised democratic right, and criminal prosecution cannot be launched unless the alleged act squarely falls within the ingredients of a penal offence.

9.The ingredients of Sections 143, 283 and 341 of IPC are not made out in the FIR. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present FIR appears to have been registered mechanically and without application of mind.

10. In view of the authoritative pronouncements cited by the petitioners, and considering the facts of the present case, this Court finds that the continuation of the investigation against the petitioners would amount to abuse of process of law.

11. Accordingly, this Court is inclined to exercise its inherent powers under Section 482 Cr.P.C., 1973 (corresponding provision of



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Section 528 of BNSS) to secure the ends of justice.

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12. In the result, the Criminal Original Petition is allowed. The FIR in Crime No.195 of 2022 on the file of the first respondent police is quashed insofar as the petitioners are concerned. Consequently, connected miscellaneous petition is closed.

12.12.2025

Index: Yes/ No
Neutral Citation: Yes / No
Internet: Yes/No
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TO

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Madurai District.
(Crime No.195 of 2022)
- 2.Meenakshisundaram,
Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J.,

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