



Crl. O.P(MD) NO.16316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl. O.P(MD) No. 16316 of 2024

and

Crl.M.P(MD)No.10269 of 2024

Ananthakumar

... Petitioner

Vs

1.State of Tamilnadu represented through
Sub Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.12 of 2022)

2.Ravi

... Respondents

Prayer :

To call for the records relating to FIR No.12 of 2022 dated 07.01.2022 on the file of the Sub-Inspector of Police, Dindigul District and quash the same as against the petitioner.

For petitioner : Mr. A.Logesh Kumar

For Respondents : Mr.S.Ravi for R1
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed to call for the records relating to FIR No.12 of 2022 dated 07.01.2022 on the file of the Sub-Inspector of Police, Dindigul District and quash the same as against the petitioner.

2. The case of the prosecution, as reflected in the First Information Report and the final report, is that the petitioner and other accused were protesting near the Dindigul Kottapatti Mylapore bus stand over the inordinate delay of arrival and departure of buses in the said area which was causing nuisance for the general public and school going children. The protest was conducted by the petitioner and other accused at a risk of spreading of COVID and despite the request of the defacto complainant, the petitioner and others protested regarding the same. On the basis of the complaint given by the second respondent, the respondent police registered a case in Crime No.12 of 2022 for the alleged offences under Sections 143, 341 and 269 of IPC.



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3. Learned counsel for the petitioner contended that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The learned counsel for the petitioner submits that the campaign was conducted peacefully and that right of expression 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 petitioner submitted that the FIR does not contain any specific overt act attributable to any of the petitioner. The complaint does not disclose an unlawful assembly. The petitioner is a social worker. Further submitted that FIR has been registered on 07.01.2022 and till now it has not been sent to Judicial Magistrate for further process. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable.

5. Further the learned counsel for the petitioner submitted that (i) since no public was affected ; (ii) no intention of causing danger to the



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public or (iii) obstruction to the public, the offence under Section 341

of IPC would not attract.

6. Further, he would submit that there was no proof to show that the petitioners have spread infections or diseases which are dangerous to life. Therefore, no case is made out under Section 269 of IPC also.

7. 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.

8. 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. According to him, the petitioners have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

9. I have considered the submissions of both sides and perused the materials placed on record. A careful reading of the FIR and the final



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report reveals that no specific overt act has been attributed to the petitioners. There is no allegation of violence, obstruction, public nuisance or disturbance.

10. Article 19(1)(a) and 19(1)(b) of the Constitution guarantee freedom of speech and expression, and the right to peaceful assembly 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 recognized democratic right, and criminal prosecution cannot be launched unless the alleged act squarely falls within the ingredients of a penal offence.

11. The ingredients of Sections 143, 341 and 269 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.

12. In view of the authoritative pronouncements cited by the petitioners, and considering the facts of the present case, this Court finds



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that the continuation of the investigation against the petitioners would amount to abuse of process of law.

13. Accordingly, this Court is inclined to exercise its inherent powers under Section 482 Cr.P.C., 1973 (corresponding provision of Section 528 of BNSS) to secure the ends of justice.

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

16.12.2025

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

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To

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1. The Judicial Magistrate, Dindigul.
2. The Sub Inspector of Police, Dindigul Taluk Police Station,
Dindigul District. (Crime No.12 of 2022)
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI,J

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