



Crl.O.P.(MD) No.14470 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1.Balasubramaniyan

2.Pandeeswaran

3.Suresh Kumar

4.Lakshmi

5.Murugan

6.Oorkavalan

7.Nalluthevan @ Deva

8.Chellakannu

... Petitioners

Vs.

1.The State of Tamil Nadu
Rep. by the Sub-Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
In Crime No.28 of 2025

2.Mr.Pandiyarajan
The Sub-Inspector of Police,
Thiruthangal West Police Station,
Virudhunagar District.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records in the case in Crime No.247 of 2025 on the file of the first respondent police and quash the same as illegal and violation of law as against the petitioners/A1 to A8.

For Petitioners : Mr.M.Jothi Basu

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.247 of 2025 on the file of the first respondent police, registered against the petitioners for offences punishable under Sections 189(2), 292, 352, and 353(1)(c) of the Bharatiya Nyaya Sanhita, 2023 [corresponding to Sections 143, 290, 341, 505, and 505(1)(c) of the Indian Penal Code, 1860].

2. The allegation against the petitioners in the FIR is that they had protested against the atrocities allegedly committed against the members of the Scheduled Caste communities without obtaining permission from



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the authorities concerned, and that the protest was conducted in a manner likely to cause fear among the general public and to promote enmity between persons belonging to different castes.

3. The learned counsel for the petitioners would submit that the allegations in the FIR are very vague; that there is nothing in the FIR to suggest that the protest by the petitioners would attract the offences of public mischief, wrongful restraint, or incitement of any person of a community to commit an offence against any other class of community; that the offence under Section 189(2) of the BNS (corresponding to Section 143 of the IPC) would not be made out, as a peaceful assembly for protest cannot be termed as an unlawful assembly; and that no public nuisance was committed.

4. The learned Government Advocate (Criminal Side) for the first respondent, per contra, would submit that there are two previous cases against the first petitioner; and that the allegations in the FIR would attract the offences alleged against the petitioners.

5. As rightly submitted by the learned counsel for the petitioners,



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there is no allegation in the FIR to the effect that any particular speech or action of the petitioners was intended to cause public mischief or intended to incite any class of persons to commit any offence against another class of persons. The FIR cannot be sustained on the basis of such vague allegations. Hence, the offences under Sections 353 and 353(1)(c) of the BNS, 2023 [corresponding to Sections 505 and 505(1)(c) of the IPC] would not be made out.

6. In similar case in ***Jeevanandham and others v. State rep. by the Inspector of Police, Velayuthampalayam Police Station, Karur District and another***, reported in ***2018 (2) L.W. (Crl.) 606***, this Court held that any assembly or meeting convened for the purpose of protest would not amount to an unlawful assembly. In the present case, there is no material to suggest that the assembly was unlawful. Hence, the offence under Section 189(2) of the BNS, 2023 [corresponding to Section 143 of the IPC] would not be made out.

7. There is nothing to indicate that the petitioners intended to cause public nuisance or wrongful restraint. Hence, the offences under Section 292 of the BNS, 2023 [corresponding to Section 290 of the IPC] and



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Section 126(2) of the BNS, 2023 [corresponding to Section 341 of the
WEB COPY IPC] would not be made out.

8. For the aforesaid reasons, this Court is of the view that the
impugned FIR cannot be sustained. Accordingly, the same is quashed.

9. In the result, this Criminal Original Petition is allowed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Sub-Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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