



Crl.OP(MD)No.22028 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).Nos.22028 of 2025

and

Crl.M.P.(MD).Nos.18956 of 2025

1. Thiagarajan
 2. Mukile Iniyan @ K.Ramalingam
 3. Pari @ Tamil iniyan
 4. Vellammal
 5. Ragunathan @ Rajaragunathan
 6. Aruntamil
- Petitioners /
Accused No.16,32,33,34,39 & 46

Vs.

State of Tamil Nadu,
Rep by.
The Inspector of Police,
Inamkulathur Police Station,
Tiruchirapalli District
Crime No.39 of 2017.

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of the impugned FIR in Crime No. 39 of 2017 dated 21.05.2017 on the file of respondent police and quash the same as illegal.



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For Petitioners : Mr. P.Edin Brough

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.39 of 2017 registered for the offences under Sections 143, 341 and 188 IPC, corresponding to Sections 189(2) and 126 of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 21.05.2017, a group of 46 persons, including seven women of the Tamil Agriculturists Society, under the guidance of one Chinathurai, the Secretary of the said Society, had assembled, taken out a procession, raised slogans and attempted to conduct a *rail roko* agitation, thereby allegedly violating the instructions issued by the Deputy Superintendent of Police, Geyapuram Circle.

3. As a result, the respondent police registered the impugned FIR against the petitioners and others for the aforementioned



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offences. Aggrieved by the registration of the FIR and the continuation of the proceedings, the present petition has been filed.

4. The petitioners contend that the allegations are wholly vague and omnibus, without any specific overt act attributed to any of them. They assert that the agitation was a peaceful protest regarding a common agricultural issue, and the FIR has been broadly registered against all participants without individualised allegations.

5. It is further submitted that several petitioners are senior citizens, students, and individuals preparing for their careers. The registration of the FIR has severely affected their livelihood, future prospects, and reputation.

6. The petitioners contend that the right to assemble peacefully and protest is a Fundamental Right guaranteed under Article 19(1)(a) and 19(1)(b) of the Constitution of India. The FIR, devoid of specific allegations of violence or unlawful activity, constitutes an abuse of process of law.



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7. The learned Government Advocate (Crl. side) submits that the petitioners had assembled without permission, attempted to conduct a *rail roko* agitation, and disobeyed the Deputy Superintendent of Police. Thus, the FIR was lodged to maintain public order.

Points for Consideration:

8. The principal issue for consideration is whether the continuation of criminal proceedings against the petitioners for participating in a peaceful protest, without any specific overt act or allegation of violence, amounts to abuse of process of law and is liable to be quashed under Section 482 Cr.P.C.?

Analysis:

9. Heard the learned counsels on either side and carefully perused the materials available on record.

10. Article 19(1)(a) guarantees freedom of speech and expression, and Article 19(1)(b) guarantees the right to assemble



peaceably and without arms. The Supreme Court has consistently held that peaceful protest is the foundation of a vibrant democracy.

11. In ***Mazdoor Kisan Shakti Sangathan v. Union of India***¹, it was observed that peaceful protests are essential to political and democratic participation.

12. In ***Ramlila Maidan Incident, In re***², the Supreme Court held that the State must respect peaceful assembly and cannot, by mere apprehension, curb constitutional freedoms.

13. The right to protest, however, is subject to reasonable restrictions under Article 19(3) to ensure public order. But such restrictions must be proportionate, reasonable, and based on demonstrable necessity.

14. The FIR does not attribute any specific role or overt act to any of the petitioners. Merely participating in a peaceful demonstration cannot by itself give rise to criminal liability unless

¹ (2018) 17 SCC 324

² (2012) 5 SCC 1



the prosecution shows unlawful obstruction, violence, or disobedience in terms of a validly promulgated order.

15. It is well settled in ***State of Haryana v. Bhajan Lal***³, that FIRs with vague, bald and omnibus allegations, not disclosing the essential ingredients of an offence, are liable to be quashed.

16. In the present case, except for stating that the petitioners were part of an agitation, there is no whisper as to any specific act committed by any one of them.

17. To attract Section 143 IPC, there must be an unlawful assembly with a common object constituting an offence. A peaceful protest demanding redressal of farmers' grievances cannot *per se* constitute such an unlawful assembly.

18. Section 341 IPC (wrongful restraint) requires an act that restrains any person from proceeding in a direction in which they have a right to proceed. No such specific allegation exists.

³ 1992 Supp (1) SCC 335



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19. With respect to Section 188 IPC, mere disobedience of an order is not sufficient; the complaint must be by the public servant concerned or with proper sanction as required under law, as held in ***Jeevanandham and others v. State*⁴**.

20. The mandatory ingredients of the offence are absent, hence, the FIR is unsustainable.

21. Criminal prosecution cannot be used to stifle legitimate democratic expressions of dissent. The petitioners' participation in a peaceful protest cannot be criminalised in the absence of specific, individualised allegations.

22. Continuation of proceedings would amount to harassment and an abuse of process of law.

23. The FIR, on its face, does not disclose any ingredients of the alleged offences. The allegations are vague and general. The petitioners' conduct falls within the ambit of peaceful protest, protected under Article 19 of the Constitution of India.

⁴ 2018 (2) LW (Crl) 606



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24. This Court is therefore of the view that allowing the FIR to stand would amount to miscarriage of justice.

25. In the result, the Criminal Original Petition is allowed. The First Information Report in Crime No.39 of 2017 dated 02.05.2017 on the file of the respondent police is hereby quashed as against the petitioners. Consequently, connected miscellaneous petition is closed.

02.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml
To

1. The Inspector of Police,
Inamkulathur Police Station,
Tiruchirapalli District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Sml

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