



Crl.O.P.(MD)No.22950 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.22950 of 2025

and

Crl.M.P.(MD)Nos.19919 & 19921 of 2025

- 1.Rajamathan
- 2.Samayapandi
- 3.Balasubiramanian
- 4.Boominathan
- 5.Senthil Kumar
- 6.Karthik
- 7.Mani
- 8.Dinesh
- 9.Karthik
- 10.Madhavan
- 11.Muthukumar
- 12.Arunkumar
- 13.Gnanapalam
- 14.Sudhakar



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15.Mayazhugu

16.Saravanan

17.Muthraja

18.Manikandan

19.Eswar

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Jaihindupuram Police Station,
Jaihindupuram,
Madurai.

... 1st Respondent/
Complainant

2.Rameshkumar

... 2nd Respondent / De-facto
Complainant

PRAYER : Criminal Original Petition is filed under Section 528 of BNSS, to call for the entire records in connection with the case in S.T.C.No.3458 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, and quash the same as against the petitioners herein.

For Petitioners : Mr.Niranjan S.Kumar,
Advocate

For R1 : Mr.Thanga Aravindh.B,
Government Advocate (Criminal Side)

ORDER

Seeking quashment of the final report in S.T.C.No.3458 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, this Criminal Original Petition has been filed.



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2. Notice to the 2nd respondent is dispensed with, since no adverse order is passed against the 2nd respondent.

3. The case of the prosecution is that, on 08.03.2025 at about 05.00 p.m., 19 persons assembled near Dinamani Theatre Junction, Madurai Municipal Road, and staged a protest condemning the arrest of the Hindu Munnani State Secretary, namely V.S. Senthil. They allegedly blocked the road by condemning the actions of the Dindigul Police and the Government of Tamil Nadu. Despite police warnings, the crowd continued the protest, leading to the registration of the present FIR for offences under Sections 189(2), 285, and 292 of the BNS, 2023.

4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.I, Madurai and the same was taken on file as S.T.C.No.3458 of 2025 for the offences under Sections 189(2), 285, and 292 of BNS, 2023.

5. The learned counsel for the petitioners contended that the impugned final report suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The learned counsel further submitted



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that the alleged protest was conducted peacefully and that such peaceful expression of opinion is a constitutionally guaranteed right under Article 19(1) (a) of the Constitution of India. It is their case that the expression of one's views in a democratic nation cannot be criminalised unless the act satisfies the ingredients of a penal provision.

6. The learned counsel for the petitioners submitted that the final report does not contain any specific overt act attributable to the petitioners. The final report 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.

7. It is further argued that the allegations in the final report 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) submitted that the petitioners had assembled without permission, blocked a public road, and caused inconvenience, and therefore, the prosecution is



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justified. It was contended that the truthfulness of the allegations can be tested only during trial.

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

10. The offence under Section 189(2) BNS / Section 143 IPC presupposes the existence of an unlawful assembly with a common object. Apart from a bald allegation, there is no material to establish that the petitioners shared any unlawful common object or actively participated in the alleged acts.

11. The offence under Section 285 BNS / Section 283 IPC, which deals with obstruction or danger caused in any public way, requires clear averments of danger, injury, or obstruction. The final report discloses none.

12. The offence under Section 292 BNS / Section 290 IPC relates to punishment for public nuisance where such nuisance is established. Even to proceed, there must be foundational allegations describing the nuisance and the petitioners' role in causing it. Such foundational particulars are absent as against the petitioners.



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13. Articles 19(1)(a) and 19(1)(b) of the Constitution guarantee the freedom of speech and expression and the right to peaceful assembly without arms. These rights may be restricted only by reasonable restrictions imposed by law. The Hon'ble Supreme Court has consistently held that peaceful protest is a recognized democratic right, and that criminal prosecution cannot be initiated unless the alleged act squarely falls within the ingredients of a penal offence.

14. The ingredients of Sections 189(2), 285, and 292 of the BNS are not made out in the final report. Criminal law cannot be invoked on vague and omnibus allegations, particularly when such allegations seek to criminalise peaceful expression. The present final report appears to have been filed mechanically and without due application of mind.

15. 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 an abuse of the process of law.



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16. 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.

17. In the result, this Criminal Original Petition is allowed. The final report in S.T.C.No.3458 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, is quashed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

16.12.2025

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

1.The Judicial Magistrate Court No.I,
Madurai.

2.The Inspector of Police,
Jaihindupuram Police Station,
Jaihindupuram,
Madurai.

3.The Additional Public Prosecutor,

7/8



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Madurai Bench of Madras High Court, Madurai.

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L.VICTORIA GOWRI, J.

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