



Crl.OP(MD)No.21789 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21789 of 2025

and

Crl.M.P.(MD)Nos.18704 and 18707 of 2025

1. Arunprasath
2. Dinesh Kumar
3. Mohan Kumar
4. Sriram
- 5.Sakthivel
- 6.Hari
- 7.Subash
8. Vishal
9. Manikandan
10. Kishore Kumar
11. Gokul
12. Vijaya Ragavan
13. Perumal
14. Kannan



Crl.OP(MD)No.21789 of 2025

15. Raja Sekar

... Petitioners/Accused No.1 to 15

Vs.

1. The State of Tamil Nadu,
rep. by The Inspector of Police,
Theppakulam Police Station,
Madurai City.
(Crime No. 915/2024)

.... Respondent / Complainant

2. G.Suruli Andavar,

.... Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in pursuant to STC.No.3461 of 2025 on the file of the learned Judicial Magistrate No.1, Madurai and Quash the same.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy
For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

Preface:

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records pertaining to S.T.C. No.3461 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, and to quash the same.



Crl.OP(MD)No.21789 of 2025

WEB COPY

2. The petitioners have been arrayed as Accused Nos.1 to 15 in the said calendar case for the alleged offences under Sections 189(2), 223 and 126(2) of the Bharatiya Nyaya Sanhita, 2023.

Case of the Prosecution:

3. The case of the prosecution, as reflected in the First Information Report and the final report, is that on 26.12.2024, the petitioners conducted a public demonstration in front of the TMS statue at Munichalai Junction, Madurai. It is alleged that the said demonstration was conducted to condemn the violence and sexual assault committed against a female student studying at Anna University, Chennai, and to urge the Government to provide necessary protection to women in the State of Tamil Nadu.

4. The second respondent, who is a Village Administrative Officer, lodged a complaint in respect of the said demonstration. Based on the complaint, the first respondent police registered an FIR in Crime No.915 of 2024. Upon completion of investigation, the first respondent police filed a final report, which was taken cognizance of by the learned Judicial Magistrate No.I, Madurai, and numbered as



Crl.OP(MD)No.21789 of 2025

S.T.C. No.3461 of 2025 for the offences under Sections 189(2) and 126(2) of the Bharatiya Nyaya Sanhita.

Grounds Urged for Quashment:

5. The petitioners submit that they have not committed any offence as alleged by the prosecution and that the entire criminal proceedings are an abuse of process of law. It is contended that the FIR and the final report do not disclose any specific overt act attributed to any of the petitioners, nor do they disclose the essential ingredients of the offences alleged. According to the petitioners, there was no prohibitory order issued by any public servant at the relevant point of time, and therefore the question of violation of such an order does not arise.

6. It is further submitted that the petitioners cannot be treated as members of an unlawful assembly and that the necessary ingredients to attract Section 189(2) of the Bharatiya Nyaya Sanhita are wholly absent. The petitioners also contend that the learned Judicial Magistrate has taken cognizance in a mechanical manner, merely relying upon the version of the *de facto* complainant, without



proper application of mind and without sufficient materials. It is further urged that all the witnesses cited in the final report are Government servants and police officials attached to the respondent police, and that no independent witness or member of the general public has been examined. The continuation of the criminal proceedings, according to the petitioners, infringes their fundamental rights guaranteed under the Constitution of India, particularly the right to freedom of speech and expression.

Submissions:

7. The learned counsel appearing for the petitioners reiterated the grounds raised in the petition and submitted that the entire proceedings are liable to be quashed, as the FIR and the final report do not make out any *prima facie* case against the petitioners.

8. The learned Government Advocate (Criminal Side), appearing for the respondents, would submit that the petitioners conducted the demonstration without permission and that the investigation has resulted in filing of a final report. According to the learned Government Advocate, the issues raised by the petitioners



Crl.OP(MD)No.21789 of 2025

are matters to be considered during trial and the proceedings need not be quashed at the threshold.

9. This Court has carefully considered the submissions made on either side and perused the materials available on record.

Point for Consideration:

10. The point that arises for consideration is whether the continuation of the criminal proceedings in S.T.C. No.3461 of 2025 against the petitioners amounts to an abuse of process of law and warrants interference by this Court in exercise of its inherent jurisdiction?

Analysis:

11. A perusal of the First Information Report and the final report reveals that the allegations against the petitioners are general in nature and no specific overt act has been attributed to any individual petitioner. It is not in dispute that the alleged demonstration was conducted to condemn violence against women and to seek protection for women in the State. The materials placed



Crl.OP(MD)No.21789 of 2025

before this Court do not disclose the existence of any prohibitory order issued by a competent public servant at the relevant point of time.

12. In the absence of such a prohibitory order, the essential ingredients required to attract the offences alleged are conspicuously absent. Mere participation in a demonstration, without more, does not constitute an offence under the provisions invoked. It is also evident that all the witnesses cited in the final report are Government servants and police officials, and no independent witness from the general public has been examined to substantiate the allegations.

13. The learned Judicial Magistrate appears to have taken cognizance of the final report without examining whether the basic ingredients of the alleged offences were made out, resulting in what has often been described by this Court as “rubber stamp cognizance”.



Crl.OP(MD)No.21789 of 2025

WEB COPY

14. The inherent powers of this Court are intended to prevent abuse of the process of law and to secure the ends of justice. When the allegations, even if taken at face value, do not disclose the commission of any offence, allowing the prosecution to continue would result in unnecessary harassment of the accused.

15. This Court is of the considered view that the continuation of the criminal proceedings against the petitioners would be an abuse of process of law and would infringe upon their fundamental rights guaranteed under the Constitution of India, including the right to freedom of speech and expression.

16. Before parting with the case, this Court observes that peaceful expression of dissent and protest, within the framework of law, forms an integral part of a democratic society. Criminal law ought not to be set in motion in a mechanical manner, especially when the foundational requirements of the alleged offences are not satisfied.



Crl.OP(MD)No.21789 of 2025

WEB COPY

17. In the result, this Criminal Original Petition is allowed and the proceedings in S.T.C. No.3461 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, are hereby quashed. Consequently, the connected miscellaneous petitions are closed.

10.12.2025

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

To

- 1.The Judicial Magistrate No.1,
Madurai.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.OP(MD)No.21789 of 2025

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.21789 of 2025

10.12.2025