



Crl.OP(MD)No.21950 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.21950 of 2025

and

Crl.M.P.(MD)No.18852 of 2025

1. Gunasekaram
 2. Joseph
 3. Malarmannam
 4. Ramachandran
 5. Devendran
 6. Thannarasu
 7. Bharathidhasan
- ... Petitioners/Accused No.1 to 7

Vs.

The State through,
The Inspector of Police,
Pasupatjipalayam Police Station,
Karur District.
(In Crime No. 8 of 2025)

.... Respondent /
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the Final Report in STC No.2432 of 2025 for offences under section 141, 339 and 290 of



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IPC @ 189(2), 126(2) and 292 of BNS on the file of the learned Judicial Magistrate Court No.I, Karur District and Quash the same.

For Petitioner : Mr.T.Dhamodharan

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

Preface:

This Criminal Original Petition has been filed invoking the inherent jurisdiction of this Court seeking quashment of the criminal proceedings initiated against the petitioners in S.T.C.No.2432 of 2025, arising out of Crime No.8 of 2025 on the file of the respondent police.

2. The petitioners, who are arrayed as Accused Nos.1 to 7, contend that the very registration of the FIR and the subsequent filing of the final report are vitiated by lack of jurisdiction and are contrary to the settled principles of law governing offences relating to unlawful assembly and disobedience of public orders.



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Case of the prosecution:

3. The case of the prosecution, as reflected in the FIR and the final report, is that on 09.01.2025, at about 11.00 a.m., the petitioners herein had assembled near Ramanur Bus Stop, raised slogans, and protested against the Government and the police without obtaining prior permission from the competent authority. It is alleged that such assembly and protest amounted to offences punishable under Sections 189(2), 126(2), and 292 of the Bharatiya Nyaya Sanhita, 2023.

4. Based on the said allegations, the respondent police registered an FIR in Crime No.8 of 2025 on 09.01.2025. After conducting the investigation, the respondent police filed a final report, and the learned Judicial Magistrate No.I, Karur, took cognizance of the same and numbered it as S.T.C.No.2432 of 2025.

Case of the petitioners:

5. The petitioners submit that they are social activists belonging to Samanya Makkal Nala katchi and have been actively involved in raising voices on public causes and public welfare issues.



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According to the petitioners, whenever injustice, inaction, or excesses on the part of Government machineries are noticed, they have been drawing the attention of the authorities through peaceful and democratic means.

6. It is contended that on the alleged date of occurrence, the petitioners assembled peacefully to express dissent against alleged police atrocities and to highlight public grievances, without resorting to violence or destruction of public property. The petitioners assert that they exercised their fundamental right to protest in a lawful and democratic manner and that no act of violence or disorder has been attributed to them.

Grounds for quash:

7. The principal ground urged by the petitioners is that the registration of the FIR and the filing of the final report by the police for offences relating to disobedience of public orders are wholly without jurisdiction. It is contended that the entire prosecution is hit by the ratio laid down by this Court in ***Jeevanandam and Others v. Inspector of Police, Velayuthampalayam Police Station, Karur***



District¹, wherein it has been categorically held that for offences falling under Sections 172 to 188 of the Indian Penal Code, the police cannot register an FIR and file a final report, except in the manner prescribed under law.

8. The petitioners also place reliance upon the decision of this Court in **Sri Raja v. Inspector of Police, Sivakasi Town Police Station, Viruthunagar District and Others**². It is further contended that the allegations in the FIR and the final report are vague, omnibus, and do not attribute any specific overt act to any of the petitioners. According to the petitioners, the criminal proceedings have been initiated with an ulterior motive, driven by political considerations and for the purpose of police statistics, thereby amounting to abuse of process of law.

Submissions:

9. The learned counsel appearing for the petitioners submitted that the entire prosecution is *void ab initio*, as the police lacked authority to register the FIR and investigate the offences in question.

¹ 2018 (2) LW (Crl.) 606

² Crl.O.P.(MD) No.7922 of 2019, batch, dated 03.08.2020



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It was further submitted that even if the allegations are taken at face value, they do not disclose the commission of any cognizable offence and do not satisfy the essential ingredients of the offences alleged. The learned counsel emphasized that peaceful protest and slogan-raising, without violence, are protected under the constitutional framework and cannot be criminalised in the manner attempted by the respondent police.

10. The learned Government Advocate appearing for the respondent police contended that the petitioners had assembled without permission and raised slogans, thereby causing disturbance to public order. It was submitted that the investigation has been conducted in accordance with law and that the truth or otherwise of the allegations has to be tested only during trial.

Point for consideration:

11. The point that arises for consideration is whether the registration of the FIR in Crime No.8 of 2025 and the filing of the final report in S.T.C.No.2432 of 2025 by the police are sustainable in



law, and whether the continuation of the criminal proceedings amounts to abuse of process of Court?

Analysis:

12. This Court has carefully considered the rival submissions and perused the materials available on record.

13. The allegations in the present case primarily relate to assembly, protest, and alleged disobedience of public orders. The offences invoked fall within the category dealt with in the decision of this Court in ***Jeevanandam case***³. In ***Jeevanandam case***⁴, this Court has clearly held that for offences falling under Sections 172 to 188 IPC, the police can, at best, conduct a preliminary enquiry to assist the public servant concerned, but cannot register an FIR, investigate, and file a final report on their own.

14. The said legal position has been consistently followed and reiterated in subsequent decisions, including ***Sri Raja case***⁵. In the present case, the materials on record reveal that the entire

³ Supra 1

⁴ Supra 1

⁵ Supra 2



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investigation, culminating in the filing of the charge sheet, has been undertaken by the police themselves, without following the procedure mandated under law. When the very foundation of the prosecution is void, the superstructure built thereon cannot be permitted to stand.

15. Further, a perusal of the FIR and the final report shows that no specific overt act has been attributed to each of the petitioners. The allegations are general in nature and are directed against all the accused in a sweeping manner. Even assuming the allegations to be true in their entirety, they do not disclose the commission of any cognizable offence warranting criminal prosecution.

16. The continuation of the proceedings, in such circumstances, would clearly amount to abuse of process of law and would result in unnecessary harassment of the petitioners. In view of the settled legal position and the facts of the present case, this Court is of the considered opinion that the impugned criminal proceedings are unsustainable in law.



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17. Accordingly, this Criminal Original Petition is allowed. The FIR in Crime No.8 of 2025, dated 09.01.2025, and the final report in S.T.C.No.2432 of 2025, dated 10.02.2025, on the file of the learned Judicial Magistrate No.I, Karur, are hereby quashed. Consequently, the connected miscellaneous petition is closed.

09.12.2025

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

To

- 1.The Judicial Magistrate Court No.I,
Karur District.
- 2.The Inspector of Police,
Pasupatjipalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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