



*Crl.O.P.(MD)No.23007 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.12.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

Crl.O.P.(MD)No.23007 of 2025

and

Crl.M.P.(MD)No.19961 & 19962 of 2025

Yashik Rahman

... Petitioner

Vs.

The State of Tamil Nadu,

1. The Inspector of Police,

Ramanathapuram Town Police Station,

Ramanathapuram District.

Crime No.177 of 2022

2. Sivakumar

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records and quash the same in STC No.1540 of 2025 on the file of the Judicial Magistrate Court No.I, Ramanathapuram, Ramanathapuram District insofar as the petitioner is concerned.

For Petitioner : Mr.K.Yasar Arafath

For Respondents : Mr.B.Thanga Aravindh (R1)

Government Advocate



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## **ORDER**

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The petitioners seek for quash of the proceedings in STC No.1540 of 2025 on the file of the Judicial Magistrate Court No.I, Ramanathapuram, Ramanathapuram District, insofar as the petitioner is concerned.

2. The case of the prosecution, as reflected in the First Information Report and the charge sheet is that the petitioner and other accused conducted a protest as against the arrest of one Barakathulla, who is a member of one party, without obtaining any prior permission from the respondent police, which was causing nuisance for the general public. On the basis of the complaint given by the second respondent, the respondent police registered a case in Crime No.177 of 2025 for the alleged offences under Sections 143 of IPC and Section 151 of Cr.P.C. Upon completion of investigation, the case culminated in the filing of a final report in S.T.C. No.1540 of 2025 on the file of the Judicial Magistrate Court No.I, Ramanathapuram, Ramanathapuram District, for the offence under Section 143 of the IPC.

3. The learned counsel for the petitioner contended that the impugned FIR and the charge sheet suffers from fundamental illegality and does not



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disclose the commission of any cognizable offence and that the learned counsel for the petitioner submitted that the campaign was conducted peacefully and that right of expression is a constitutionally guaranteed right under Article 19(1)(a) of the Constitution of India. It is their case that expressing one's views in a democratic nation cannot be criminalised, unless the act satisfies the ingredients of a penal provision.

4. The learned counsel for the petitioner further submitted that the FIR and charge sheet do not contain any specific overt act attributable to the petitioner. The complaint does not disclose an unlawful assembly and therefore, the essential ingredients of Section 143 of IPC is not maintainable.

6. It is further argued that the allegations in the FIR and the charge sheet 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.

7. Per contra, the learned Government Advocate appearing for the respondent police submitted that based on the complaint received, the respondent police registered the FIR and the same culminated in filing of the



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charge sheet. According to him, the petitioner has an effective remedy of participating in the investigation rather than seeking quashing at this stage.

8. In view of the order proposed to be passed in this petition, notice to the second respondent is dispensed with.

9. I have considered the submissions of both sides and perused the materials placed on record. A careful reading of the FIR reveals that no specific overt act has been attributed to the petitioner. There is no allegation of violence, obstruction, public nuisance or disturbance.

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

11. The ingredients of Section 143 of IPC are not made out. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the



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allegations seek to criminalise peaceful expression. The present FIR appears to have been registered mechanically and without application of mind.

12. In view of the authoritative pronouncements cited by the petitioner, and considering the facts of the present case, this Court finds that the continuation of the investigation against the petitioner would amount to abuse of process of law.

13. 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.

14. In the result, the Criminal Original Petition is allowed. The charge sheet in STC No.1540 of 2025 on the file of the Judicial Magistrate Court No.I, Ramanathapuram, Ramanathapuram District and the FIR in Crime No.177 of 2022 on the file of the first respondent police are quashed insofar as the petitioner herein is concerned. Consequently, the connected miscellaneous petitions are closed.

**15.12.2025**

NCC : Yes / No  
Index : Yes / No



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**L.VICTORIA GOWRI, J.**

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**TO:-**

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

Order made in  
Crl.O.P.(MD)No.23007 of 2025

Dated  
15.12.2025