



Crl.O.P.(MD) No.23421 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2025

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.23421 of 2025

and

Crl.M.P.(MD) Nos.20301 & 20304 of 2025

1.Gopinath

2.Deenasenana

3.Senthil

4.Viknesh

5.Nallasivam

6.Sivasubramani @ Sivasubramanyan

7.Aravinthkarthick

8.Selvaraj

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.368 of 2022)

2.Mr.K.Nepolian,
Sub Inspector of Police,



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WEB COI Velayuthampalayam Police Station,
Karur District.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.II, Karur and quash the same as illegal, as far as the petitioners are concerned.

For Petitioners : Mr.R.Ramaguru

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

ORDER

This Criminal Original Petition has been filed seeking to call for the records relating to the impugned final report in S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.II, Karur and to quash the same insofar as the petitioners are concerned.

2. The brief facts leading to the filing of this petition are as follows:

(i) The first respondent police registered a case in Crime No.368 of 2022 for the alleged offences under Sections 143, 283 and 285 of the



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Indian Penal Code, 1860 [hereinafter referred to as 'IPC']. After completion of the enquiry, the first respondent filed the final report in S.T.C.No.1379 of 2023 on the file of the learned Judicial Magistrate No.II, Karur, for the very same offences. A total of ten persons have been named as accused in the said crime number. The petitioners herein are arrayed as Accused Nos. 1 to 4, 6 to 8 and 10 in the final report.

(ii) The final report has been filed alleging that the petitioners, who belong to a political party, along with two others, participated in a protest which, according to the prosecution, was unlawful, against the State Government regarding the hike in milk rates. Aggrieved by the same, the petitioners have approached this Court by filing the present petition seeking to quash the same.

3. The petitioners contend that the impugned final report suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the alleged protest was conducted peacefully and that peaceful expression of opinion 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



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democratic nation cannot be criminalised unless the act satisfies the ingredients of a penal provision.

4. The learned counsel for the petitioners submitted that the impugned final report does not disclose any specific overt act attributable to any of 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 or rashly/negligently endangered life by fire/combustible material or failed to take proper precautions. Therefore, the essential ingredients of Sections 143, 283 and 285 of IPC are not made out.

5. It is further argued that the allegations in the impugned 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.

6. The learned counsel placed reliance on the following decisions:



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Balasubramanian and Others vs. State and Others¹, Crl.O.P.(MD)

No.11533 of 2023; Jeevarathinam and Others vs State represented by

Inspector of Police and Another², Crl.O.P.No.16707 of 2021; and ***Javed***

Hajam vs. State of Maharashtra and Another³.

7. These judgments reiterate that peaceful assembly and expression cannot attract the penal provisions unless specific overt acts satisfying the ingredients of the offence are made out.

8. Per contra, the learned Government Advocate (Criminal Side) appearing for the first respondent police submitted that based on the complaint received, the first respondent police registered the FIR and that the investigation also revealed the commission of the offences by the petitioners and therefore, the impugned final report has been filed against the petitioners and others.

9. I have considered the submissions of both sides and perused the materials placed on record.

1 MANU/TN/4515/203

2 2018 (2) MLJ (Crl) 606

3 2024 Supreme Court Cases 187



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10. A careful reading of the impugned final report reveals that no specific overt act has been attributed to the petitioners. The final report merely alleges that the petitioners participated in a protest organised by their political organisation. There is no allegation of violence, obstruction, public nuisance or disturbance and rashly/negligently endangering life by fire or combustible material or failing to take proper precautions.

11. Article 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 recognised democratic right and criminal prosecution cannot be launched unless the alleged act squarely falls within the ingredients of a penal offence.

12. The ingredients of Sections 143, 283 and 285 of IPC are not made out in the final report. Section 143 of IPC requires the existence of an unlawful assembly. Section 283 of IPC requires actual obstruction or danger caused to the public. Section 285 of IPC requires negligent



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conduct with respect to fire or combustible matter. None of these requirements are satisfied on a plain reading of the impugned final report.

13. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present final report appears to have been filed mechanically and without application of mind.

14. 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 trial against the petitioners would amount to abuse of process of law.

15. Accordingly, this Court is inclined to exercise its inherent powers under Section 482 of Cr.P.C., 1973 (corresponding provision of Section 528 of BNSS, 2023) to secure the ends of justice.

16. In the result, the Criminal Original Petition is allowed. The final report in S.T.C.No.1379 of 2023 pending on the file of the learned Judicial Magistrate No.II, Karur is quashed insofar as the petitioners are



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concerned. Consequently, the connected Miscellaneous Petitions are

closed.

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Index : Yes

Internet : Yes

Neutral Citation : Yes

Copy To:

- 1.The Judicial Magistrate No.II,
Karur.
- 2.The Sub Inspector of Police,
Velayuthampalayam 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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