



Crl.OP(MD)No.727 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.727 of 2026

and

Crl MP(MD)Nos.734 and 735 of 2026

1. C.Soman @ Misa Soman
2. R.Murugan
3. W.Vibin
4. R.Ramesh
5. M.Satheesh
6. I.Abishkumar
7. R.Thilpkumar
8. T.Sajin
9. T.Murugananthaparasa
10. M.Muruges
11. P.Selvaraj
12. C.Santhavan
13. P.Viswamparan
14. R.Subash



Crl.OP(MD)No.727 of 2026

WEB COPY

15. V.Vinoth

16. C.SAnthosh,

17. C.Chithamparam,

18. R.Sujin

19. S.Subin

... Petitioner/Accused No.1 to 19

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Arumanai Police Station,
Kanniyakumari District.
Crime No.21 of 2023

.... 1st Respondent / Complainant

2. Sridevi

.... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in STC No.254/2023, on the learned Judicial Magistrate No.I, Kulithurai, Kanniyakumari District and quash the same.

For Petitioners : Mr.H.Velavadhas

For R-1 : Mr.S.Ravi
Additional Public Prosecutor



WEB COPY



Crl.OP(MD)No.727 of 2026

ORDER

Preface:

The petitioner seeks intervention of this Court contending that the criminal proceedings have been initiated against him and other villagers merely for raising protest against an allegedly unauthorized religious structure functioning in the village and that the allegations contained in the FIR and the final report do not disclose the essential ingredients of the offences alleged.

2. The issue that arises for consideration in the present case is whether the allegations in the final report, even if taken at face value, would constitute the offences alleged so as to justify continuation of the criminal prosecution.

Case of the prosecution:

3. The case of the prosecution, as could be gathered from the First Information Report and the final report, is that the occurrence took place on 05.02.2023 at Anichanvilai, Citharal Village, within the jurisdiction of the respondent police.



Crl.OP(MD)No.727 of 2026

WEB COPY

4. According to the prosecution, the second respondent, who was serving as the Village Administrative Officer (VAO) of the concerned village, lodged a complaint before the first respondent police stating that a group of villagers, including the petitioner, assembled near a place in Survey No.707/6 measuring about two cents, where a church known as “Kolkatha Mission Church” was functioning.

5. It is alleged that the petitioner and others formed themselves into an unlawful assembly and protested against the conduct of prayer meetings in the said church on the ground that the church was functioning without proper authorization. It is further alleged that during such protest, the accused persons raised slogans and obstructed certain persons and thereby created a disturbance.

6. On the basis of the complaint lodged by the Village Administrative Officer, the respondent police registered Crime No.21 of 2023 for offences under Sections 143, 341 and 153 IPC. Upon completion of investigation, the respondent police filed a final report



Crl.OP(MD)No.727 of 2026

before the learned Judicial Magistrate No.I, Kulithurai, which was taken on file as S.T.C.No.254 of 2023. Aggrieved by the initiation of the said criminal proceedings, the petitioner has approached this Court seeking quashment of the same.

Grounds for quash:

7. The petitioner has raised several grounds seeking quashment of the criminal proceedings. The principal contention of the petitioner is that the protest conducted by the villagers was only to bring to the notice of the authorities that a religious establishment was functioning without the required permissions from the competent authorities.

8. It is further contended that the right to protest peacefully and express dissent is a facet of the fundamental right guaranteed under Article 19(1)(a) and Article 19(1)(b) of the Constitution of India, and therefore, mere participation in a peaceful protest cannot be construed as constituting a criminal offence.



WEB COPY

9. The petitioner would further submit that the allegations in the FIR and the final report do not satisfy the essential ingredients of the offences under Sections 143, 341 and 153 IPC, and therefore continuation of the prosecution would amount to abuse of process of law.

10. It is also the contention of the petitioner that the complaint has been lodged not by any aggrieved person but by the Village Administrative Officer and that there is no allegation that any individual belonging to any religious group had raised any grievance regarding disturbance caused by the alleged protest.

11. According to the petitioner, the entire criminal case has been initiated only with an intention to silence the villagers who had brought to the notice of the authorities certain alleged irregularities relating to the functioning of the said church.

Arguments on either side:

12. The learned counsel appearing for the petitioner would submit that the materials placed before the Court do not disclose the



Crl.OP(MD)No.727 of 2026

WEB COPY

commission of any cognizable offence and that the prosecution is a clear abuse of the process of law.

13. The learned counsel would further submit that the allegations only indicate that the petitioner and other villagers had assembled and raised slogans protesting against the alleged unauthorized functioning of the church and that such conduct cannot be construed as an unlawful assembly within the meaning of Section 141 IPC.

14. It is also argued that there is no material to indicate that the petitioner had wrongfully restrained any individual or that any act was committed which could attract the offence under Section 341 IPC.

15. The learned Additional Public Prosecutor appearing for the State would submit that the final report has been filed after due investigation and that the petitioner can very well establish his defence during the course of trial.



WEB COPY

16. It is further submitted by the prosecution that the allegations disclose a *prima facie* case and therefore the proceedings ought not to be quashed at the threshold.

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

Point for consideration:

18. In the light of the rival submissions, the point that arises for consideration in this petition is whether the allegations contained in the FIR and the final report in Crime No.21 of 2023 disclose the commission of offences under Sections 143, 341 and 153 IPC so as to warrant continuation of the criminal proceedings against the petitioner?

Analysis:

19. The scope of interference by this Court under the inherent powers is well settled. The power under Section 528 BNSS (Section 482 Cr.P.C.) is intended to prevent abuse of the process of the Court and to secure the ends of justice.



WEB COPY

20. The Hon'ble Supreme Court in ***State of Haryana vs. Bhajan Lal***¹ has enumerated illustrative categories of cases where the Hon'ble High Court may exercise its inherent jurisdiction to quash criminal proceedings when the allegations do not disclose the commission of any offence.

21. Keeping the above principles in mind, this Court has examined the allegations contained in the FIR and the final report. The gravamen of the accusation against the petitioner is that he, along with other villagers, protested against the functioning of a church which, according to them, was operating without necessary permission.

22. The materials placed before this Court do not disclose that the assembly of the villagers was for the purpose of committing any of the unlawful objects contemplated under Section 141 IPC so as to constitute an unlawful assembly under Section 143 IPC.

1 (1992 Supp (1) SCC 335)



WEB COPY

23. Similarly, there is no specific allegation that the petitioner had wrongfully restrained any particular individual so as to attract the ingredients of Section 341 IPC.

24. The offence under Section 153 IPC contemplates provocation with intent to cause riot or disturbance of public peace. The materials available on record do not disclose any act on the part of the petitioner which could reasonably be construed as inciting violence or provoking communal disturbance. On the contrary, the allegations merely indicate that the petitioner and other villagers raised slogans during the protest.

25. It is a settled principle that peaceful protest and expression of dissent form an integral part of democratic freedoms guaranteed under Article 19 of the Constitution of India, subject of course to reasonable restrictions. Criminal law cannot be set into motion merely because citizens have expressed dissent or protest regarding an issue which they perceive as affecting their local community.



WEB COPY

26. A careful reading of the FIR and the final report would show that the prosecution has not placed any material to demonstrate that the alleged protest had resulted in any violence, damage to property, or obstruction causing public disorder.

27. In the absence of the foundational ingredients of the offences alleged, continuation of the criminal prosecution would amount to subjecting the petitioner to unnecessary criminal trial without any legal basis.

28. Such a situation squarely falls within the categories laid down in ***State of Haryana vs. Bhajan Lal***²s case, where the allegations made in the complaint, even if taken at face value, do not constitute the offence alleged. Therefore, this Court is of the considered view that the continuation of the criminal proceedings against the petitioner would amount to abuse of the process of law.

29. Criminal law is a serious instrument intended to address genuine violations of law and order. It cannot be invoked mechanically to prosecute individuals who have merely voiced

² (1992 Supp (1) SCC 335)



Crl.OP(MD)No.727 of 2026

WEB COPY

concerns regarding issues affecting their locality. Courts must ensure that the coercive machinery of criminal prosecution is not employed in a manner that suppresses legitimate expression of dissent or participation in peaceful protest.

30. In the case on hand, the materials placed before this Court do not disclose the commission of any offence under Sections 143, 341 or 153 IPC. In such circumstances, permitting the criminal proceedings to continue would serve no purpose except subjecting the petitioner to unwarranted harassment through the process of trial.

31. Accordingly, this Criminal Original Petition is allowed. The proceedings in S.T.C.No.254 of 2023 on the file of the learned Judicial Magistrate No.I, Kulithurai, Kanyakumari District, arising out of Crime No.21 of 2023, are hereby quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petitions are closed.

12.01.2026

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



Crl.OP(MD)No.727 of 2026

Sml

WEB COPY

To

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



WEB COPY



Crl.OP(MD)No.727 of 2026

L.VICTORIA GOWRI, J.

Sml

CRL OP(MD)No.727 of 2026

12.01.2026