



Crl.O.P(MD)No.880 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.880 of 2026

and

Crl.M.P(MD)No.953 of 2026

Ragupathy

... Petitioner/Accused No.1

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.264/2019)

... Respondent

2.A.Dhanabalan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the FIR in Crime No. 264 of 2019 on the file of the 1st respondent and quash the same as far as the petitioner is concerned.

For Petitioner : Mr.J.P.Karpoorasundara Pandian

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



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ORDER

Seeking quashment of the F.I.R in Crime No.264 of 2019 on the file of the 1st respondent, this criminal original petition is filed.

2. Since no adverse order is passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. It is submitted that the prosecution case is that on 13.12.2019, when the defacto complainant was present at the place of occurrence, the petitioner along with other accused persons, allegedly raised slogans and conducted a protest against the implementation of the CAA without prior permission, thereby causing public nuisance and obstruction to traffic. For which, F.I.R in Crime No.264 of 2019 was registered for the offence under Sections 143, 341 and 290 of IPC r/w 151 Cr.P.C on the file of the respondent police.

4. The learned counsel for the petitioner contend that the impugned F.I.R suffers from fundamental illegality and does not



disclose the commission of any cognizable offence. The petitioner 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 democratic nation cannot be criminalised unless the act satisfies the ingredients of a penal provision.

5. The learned counsel for the petitioner submitted that the F.I.R does not contain any specific overt act attributable to the petitioner. The F.I.R does not whisper any material to show that the petitioner indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public.

6. It is further argued that the allegations in the F.I.R 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.



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7. Per contra, the learned Government Advocate(Crl.side) on the other hand, submitted that the petitioner had assembled without permission, blocked a public road, and caused inconvenience, and therefore, the prosecution is justified. It was contended that the truthfulness of the allegations can be tested only during trial.

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

9. Section 143 IPC requires a *prima facie* indication that the person was a member of an “unlawful assembly” as defined, i.e., an assembly with a common object falling within Section 141 IPC. In a protest-related FIR, merely stating that a group assembled, without particulars of common object vis-à-vis each accused, and without any material indicating participation beyond presence, is insufficient to fasten criminality on an individual.



10. Section 341 IPC contemplates “wrongful restraint”, which must be shown by allegations indicating that the accused voluntarily obstructed a person so as to prevent that person from proceeding in any direction in which that person had a right to proceed. The final report in the present case does not identify the person restrained by the petitioner, the place of restraint, or the act of restraint attributable to them.

11. Section 290 IPC relates to punishment for public nuisance where the nuisance is established. Even to proceed, there must be foundational allegations describing the nuisance and the petitioner’s role in causing it. Such foundational particulars are absent as against the petitioner.

12. 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 recognized democratic right, and criminal prosecution cannot be launched unless the alleged act squarely falls within the ingredients of a penal offence.

13. The ingredients of Sections 143, 341 and 290 IPC are not made out in the F.I.R. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present F.I.R appears to have been registered mechanically and without application of mind.

14. 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.

15. 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.



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16. In the result, the Criminal Original Petition is allowed. The F.I.R in Crime No.264 of 2019 on the file of the respondent police is quashed insofar as the petitioner is concerned. Consequently, connected Miscellaneous Petition is closed.

20.01.2026

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

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To

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



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L.VICTORIA GOWRI, J.

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