



Crl.O.P(MD)No.1014 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1014 of 2026

and

Crl.M.P(MD)Nos.1250 & 1252 of 2026

1.R.Balamurugan
2.Ramamoorthy
3.Manimaran
4.Muralidharan
5.Veerabahu
6.Nagarajan
7.Athma Karthick
8.Kumaran
9.Prabhu @ Jeganath
10.Sureshkumar
11.S.Muthusamy ... Petitioners/A1,2,3,6,7,9-13,14

Vs.

1.The State of Tamil Nadu,
Rep.by the Sub Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District. ... Respondent/Complainant
2.G.Muthuramu ... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case in S.T.C.No.1689 of



Crl.O.P(MD)No.1014 of 2026

2025 on the file of the Judicial Magistrate-I, Ramanathapuram and quash the same.

For Petitioners : Mr.S.Karthik
For R1 : Mr.B.Thanga Aravindh
Government Advocate(crl.side)

ORDER

Seeking quashment of the final report in S.T.C.No.1689 of 2025 on the file of the Judicial Magistrate-I, Ramanathapuram, this criminal original petition is filed.

2. The case of the prosecution is that on 30.01.2022 at about 4.30 p.m, while conducting local body election patrol and checks, the police found the petitioners and others assembled near Ramanathapuram Palace. They allegedly raised slogans condemning the arrest of an RSS leader in Pudukottai district and demanded withdrawal of the case. During the protest, they reportedly stood on the road, causing traffic obstruction, and violated COVID-19 regulations, thereby risking the spread of the virus during the pandemic. Hence, F.I.R in Crime No.40 of 2022 was registered for the offences under Sections 143, 341 & 269



Crl.O.P(MD)No.1014 of 2026

IPC and Sections 4A(1b) & 4B of TN Open Places (Prevention of Disfigurement) Act, 1959, which culminated in laying a final report in S.T.C.No.1689 of 2025 on the file of the Judicial Magistrate-I, Ramanathapuram.

3. The learned counsel for 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 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 final report does not contain any specific overt act attributable to the petitioners. The final report does not whisper any material to show that



Crl.O.P(MD)No.1014 of 2026

the petitioners indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public.

5. It is further argued that the allegations in the 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. Per contra, the learned Government Advocate(Crl.side) on the other hand, submitted that the petitioners 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.

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



WEB COPY

8. 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.

9. 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 petitioners, the place of restraint, or the act of restraint attributable to them.

10. Section 269 IPC deals with any person who unlawfully or negligently does any act which he knows or has reason to believe is



likely to spread the infection of any disease dangerous to life. The F.I.R discloses none.

11. Sections 4A(1b) and 4B of TN Open Places (Prevention of Disfigurement) Act, 1959 prohibit the unauthorized erection or display of boards, banners, or thatty boards. The final report disclosed none.

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 & 269 IPC and Sections 4A(1b) & 4B of TN Open Places (Prevention of Disfigurement) Act, 1959 are not made out in the final report. Criminal law cannot be



Crl.O.P(MD)No.1014 of 2026

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 petitioners, and considering the facts of the present case, this Court finds that the continuation of the investigation 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 Cr.P.C., 1973 (corresponding provision of Section 528 of BNSS) to secure the ends of justice.

16. In the result, the Criminal Original Petition is allowed. The final report in S.T.C.No.1689 of 2025 on the file of the Judicial Magistrate-I, Ramanathapuram is quashed insofar as the petitioners are



Crl.O.P(MD)No.1014 of 2026

WEB COPY

concerned. Consequently, connected Miscellaneous Petitions are closed.

22.01.2026

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

gbg

To

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



WEB COPY



Crl.O.P(MD)No.1014 of 2026

L.VICTORIA GOWRI, J.

gbg

Crl.O.P(MD)No.1014 of 2026

22.01.2026