



Crl.O.P(MD)No.1165 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.1165 of 2026

and

Crl.M.P(MD)Nos.1224 & 1225 of 2026

- 1.Kutty M Ganesan
- 2.Sudalai Madan
- 3.Vaigundalakshmi
- 4.Cross Imaculate

... Petitioners/A1 - A4

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli.
(Crime No.300/2025)

- 2.The Sub Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli.

... Respondents/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in S.T.C.No. 723 of 2025 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli in Crime No.300 of 2025 on the file of the respondent and quash the same as against the petitioners.



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For Petitioners : Mr.P.P.Alwin Balan

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

ORDER

Seeking quashment of the Final Report in S.T.C.No.723 of 2025 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli , this criminal original petition is filed.

2.The prosecution case is that on 27.06.2025 at about 10:45 a.m., the petitioners along with other accused, blocked the Tirunelveli - Papanasam main road without obtaining prior permission, causing public nuisance and obstruction. It is further stated that they were staging a protest for wage discrepancies for contract workers of Vickramasingapuram Municipality. Based on these allegations, the respondent police registered F.I.R in Crime No.300 of 2025 for offences under Sections 126(2) and 292 of BNS, 2023 corresponding to Sections 341 and 291 IPC against the petitioners.



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 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



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illegal. Criminal law cannot be invoked to curtail peaceful expression, which is the bedrock of democratic governance.

6. Per contra, the learned Government Advocate 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.

8. 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.



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9. Section 291 IPC relates to a person who repeats or continues a public nuisance, having been lawfully enjoined by a public servant not to repeat or continue such nuisance. Such foundational particulars are absent as against the petitioners.

10. 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.

11. The ingredients of Sections 341 and 291 IPC are not made out in the Final Report. 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 registered mechanically and without application of mind.



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12. 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.

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 Final Report in S.T.C.No.723 of 2025 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli is quashed insofar as the petitioners are concerned. Consequently, connected Miscellaneous Petitions are closed.

22.01.2026

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

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To

- 1.The Judicial Magistrate Court,
Ambasamudram, Tirunelveli.
- 2.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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