



Crl.O.P(MD)No.1188 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.1188 of 2026

and

Crl.M.P(MD)No.1248 of 2026

J.Ubayathulla @ Ubaiyadhullah

... Petitioner/A51

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Manamelkudi Police Station,
Pudukottai District.
(Crime No.136/2024)

... Respondent/Complainant

2.R.Murugaiyan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Charge Sheet in S.T.C.No. 348 of 2025 on the file of the Learned District Munsif cum Judicial Magistrate Court, Manamelkudi, Pudukottai District and quash the same so far as this petitioner/Accused rank 51 concern.

For Petitioner : Mr.K.Sheenivasan

For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

Seeking quashment of the final report in S.T.C.No.348 of 2025 on the file of the Learned District Munsif cum Judicial Magistrate Court, Manamelkudi, Pudukottai District, this criminal original petition is filed.

2. Notice to the 2nd respondent is dispensed with, since no adverse order is passed against the 2nd respondent.

3. The case of the prosecution is that on 08.07.2024 at about 4:00 p.m., 52 persons (48 men and 4 women) assembled opposite Manamelkudi Taluk, Veechur Village, and staged a protest. They allegedly blocked the road demanding action against certain police officers and transfer of the case to the CBI in connection with the alleged assault on Arunkumar and Pandian by two police personnel. Despite police warnings, the crowd continued the protest, leading to the registration of the present FIR for the offences under Sections 189(2),



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126(2) and 285 of BNS, 2023 corresponding offence under Sections 142, 341 and 283 of IPC on the file of the respondent police.

4. Upon completion of investigation, a final report was filed before the learned District Munsif cum Judicial Magistrate Court, Manamelkudi, Pudukottai District and the same was taken on file as S.T.C.No.348 of 2025 for the offences under Sections 189(2), 126(2) and 285 of BNS, 2023 corresponding offence under Sections 142, 341 and 283 IPC.

5. The learned counsel for the petitioner contend that the impugned final report 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.



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6. The learned counsel for the petitioner submitted that the final report does not contain any specific overt act attributable to the petitioner. The final report 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.

7. 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.

8. Per contra, the learned Government Advocate (Criminal 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.



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

10. Section 142 IPC penalizes persons who continue in an unlawful assembly after a lawful command to disperse. However, the final report fails to disclose. Without specific allegations, mere presence in a crowd does not attract Section 142 IPC.

11. 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.



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12. Section 283 IPC, which deals with obstruction or danger caused in any public way, requires clear averments of danger, injury, or obstruction. The final report discloses none.

15. 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.

16. The ingredients of Sections 142, 341 and 283 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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17. 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.

18. 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.

19. In the result, the Criminal Original Petition is allowed. The final report in STC No.348 of 2025 on the file of Learned District Munsif cum Judicial Magistrate Court, Manamelkudi, Pudukottai District is quashed insofar as the petitioner is concerned. Consequently, the connected Miscellaneous Petition is closed.

22.01.2026

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

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To

- 1.The District Munsif cum Judicial Magistrate Court,
Manamelkudi, Pudukottai District.
- 2.The Inspector of Police,
Manamelkudi Police Station,
Pudukottai 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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