



CRL OP(MD). No.1272 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.1272 of 2026

and

CRL MP(MD). No.1326 of 2026

Parameswaran

... Petitioner

Vs

State of Tamilnadu Rep by
The Sub Inspector of Police,
Bazaar Police Station,
Ramanathapuram.
Crime No.112 of 2025.

... Respondent

PRAYER :-

To call for the records pertaining to the case registered in Impugned Charge sheet in S.T.C.No.1927 of 2025 on the file of Judicial Magistrate - I, Ramanathapuram and Quash the same as illegal in respect of the petitioner concerned.

For Petitioner : M/s.Duraimurugan.B,
Advocate.

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



CRL OP(MD). No.1272 of 2026

ORDER

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This Criminal Original Petition is filed to call for the records pertaining to the case registered in Impugned Charge sheet in S.T.C.No. 1927 of 2025 on the file of Judicial Magistrate - I, Ramanathapuram and Quash the same as illegal in respect of the petitioner concerned.

2. The case of the prosecution is that the petitioner along with 15 others have unlawfully assembled near Aranmanai, Ramanathapuram, without obtaining permission and held a demonstration condemning the brutal human massacre carried out by Pakistan terrorists in Pahalgam, Kashmir and protested against Pakistan for continuously inciting terrorism and they have conducted themselves in a manner causing obstruction to the public and inconvenience. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.112 of 2025 for the alleged offences under Sections 189(2) and 191 of BNS.

3. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate - I, Ramanathapuram and the same was taken on file as S.T.C.No.1927 of 2025.



CRL OP(MD). No.1272 of 2026

4. The petitioner contend that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioner submit that the campaign was conducted peacefully and that right of expression 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 FIR does not contain any specific overt act attributable to any of the petitioners. The complaint does not disclose an unlawful assembly, as alleged by the prosecution. There is not even a single independent civilian witness examined to substantiate the allegation of obstruction of public annoyance. Therefore, the essential ingredients of Sections 292 of IPC is not maintainable.

6. The prosecution has not invoked Section 19 BNS nor pleaded any material to establish the common object of the alleged assembly as 'unlawful'. Mere participation in a peaceful gathering cannot ipso facto



CRL OP(MD). No.1272 of 2026

constitute unlawful assembly unless the prosecution discloses the existence of a shared unlawful object falling within the ambit of Section 149 of BNS. In the present case, no such foundational averment exists, rendering Section 189(2) of BNS, is maintainable.

7. It is further argued that the allegations in the charge sheet 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) appearing for the respondent police submitted that based on the complaint received, the respondent police registered the FIR and final report has also been filed in this case. According to him, the petitioner have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

9. I have considered the submissions of both sides and perused the materials placed on record. A careful reading of the FIR and the final



CRL OP(MD). No.1272 of 2026

report reveals that no specific overt act has been attributed to the petitioners. There is no allegation of violence, obstruction, public nuisance or disturbance.

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 189(2) and 292 of BNS are not made out in the FIR. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present FIR appears to have been registered mechanically and without application of mind.



CRL OP(MD). No.1272 of 2026

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 charge sheet in S.T.C.No.1927 of 2025 on the file of learned Judicial Magistrate - I, Ramanathapuram and the FIR in Crime No.112 of 2025 on the file of the first respondent police are quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition is closed.

23.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no
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6/8



CRL OP(MD). No.1272 of 2026

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To

1. The Judicial Magistrate - I, Ramanathapuram.
2. The Sub Inspector of Police, Bazaar Police Station,
Ramanathapuram. Crime No.112 of 2025.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL OP(MD). No.1272 of 2026

L. VICTORIA GOWRI, J

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