



CRL OP(MD). No.2016 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2016 of 2026

and

CrI.M.P(MD)Nos.2265 & 2268 of 2026

K.Ramamoorthy

... Petitioner / Accused No.1

Vs

The State represented by
The Inspector of Police,
Mandapam Police Station,
Rameswaram,
Ramanathapuram District.

... Respondent /
Complainant

PRAYER :-

To call for the records relating to the proceedings in S.T.C.No. 531 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram and quash the same.

For Petitioners : Mr.M.Mithun

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, invoking the inherent jurisdiction of this Court, to call for the records relating to the proceedings in S.T.C.No. 531 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram and quash the same.

2. The case of the prosecution, as reflected in the First Information Report, is that on 15.06.2023, the petitioner along with other accused persons, who are the Hindu Munnani persons, have assembled unlawfully near the NH87 Semmatti Petrol Station, conducted a protest against the running of Christian Kirubasan Sabaa in the residential area of Mandapam, without permission of the Government. The petitioner herein is arrayed as Accused No.1. The petitioner along with other accused persons have waylaid the buses and other vehicles and they caused public nuisance. On that basis, the respondent police registered a case in Crime No.100 of 2023 for the alleged offences under Sections 143 and 290 of IPC and the same was culminated into filing of charge



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sheet in STC No.531 of 2025 before the learned District Munsif cum Judicial Magistrate, Rameswaram. Seeking quashment of the same, the present Criminal Original Petition came to be filed.

3. The petitioner contend that the impugned FIR and the charge sheet suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners 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.

4. The learned counsel for the petitioner submitted that the FIR and the charge sheet does not contain any specific overt act attributable to any of the petitioners. Section 143 IPC cannot be invoked in the present case because the essence of this provision is the participation in an unlawful assembly where there is use or threat of criminal force as defined in Section 141 IPC. There has been no criminal force or intention



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to use force. Simply staging a protest and raising slogans does not amount to unlawful assembly under Section 143 IPC.

5. He further submitted that Section 290 IPC concerns public nuisance caused by acts endangering human life, health, or safety, or causing injury, danger, or annoyance to the public or any community. The Petitioners submit that the blockade was a peaceful protest intended to raise awareness on an issue of public concern. The conduct attributed to the Petitioners does not satisfy the threshold of "public nuisance" under Section 290 as it is a political expression executed in a reasonable manner without intention or likelihood of causing grave harm.

6. The general obstruction caused to traffic, which may be temporary and localized, does not amount to a criminal public nuisance warranting the invocation of Section 290. The law recognizes the right to protest, and temporary inconvenience to public movement cannot be equated to public nuisance causing substantial harm.



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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 given by the Sub Inspector of Police, Mandapam Police Station, the respondent police registered the FIR and thereafter the charge sheet was filed. According to him, the petitioner has an effective remedy of participating in the investigation rather than seeking quashing of FIR and the charge sheet 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 report reveals that no specific overt act has been attributed to the petitioner. There is no allegation of violence, obstruction, public nuisance or disturbance.



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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 143 and 290 of IPC 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.

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 trial against the petitioners would amount to abuse of process of law.



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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 FIR in Crime No.100 of 2023 on the file of the first respondent police and the proceedings in S.T.C.No. 531 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram, are quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petitions are closed.

03.02.2026

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

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L. VICTORIA GOWRIJ

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To

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

Copy to

The District Munsif cum Judicial Magistrate,
Rameswaram.

ORDER
IN
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Date : 03/02/2026