



CRL OP(MD). No.2547 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2547 of 2026

and

CRL MP(MD). No.2853 of 2026

A.Kannan

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
SS Colony Police Station,
Madurai City,
Crime No. 12 of 2024.

2. P. Boominathan
The Inspector of Police,
S.S. Colony Police Station,
Madurai City.

... Respondents

PRAYER :-

To call for the records pertaining to the FIR in Crime no.12 of 2024 dated 10.01.2024 on the file of the Respondent Police and Quash the same as illegal as against the petitioner is concerned.

For Petitioner : Mr. K.Sathish Kumar,
Advocate.

For Respondent : Mr.S.Ravi for R1
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, invoking the inherent jurisdiction of this Court, seeking to call for the entire records relating in Crime No.29 of 2025 dated 21.01.2025, and to quash the same as illegal.

2. The case of the prosecution, as reflected in the First Information Report, is that totally there are 356 accused in this case. The petitioner herein is arrayed as Accused No.238. On 10.01.2024, the Tamil Nadu Transport Corporation Employees, retired employees and other Sangam employees were carrying out protest in front of TNSTC main depot and raised voice against the Government for increment of pension and to quash the Government order passed for stoppage of Dearness allowance and other demands. The petitioner along with other accused went to bypass road and waylaid the buses and other vehicles and they caused public nuisance. On that basis, the respondent police registered a case in Crime No.12 of 2024 for the alleged offences under Sections 143, 341 and 290 of IPC (corresponding offences under Section 190, 126 and 292 of BNS) dated 10.01.2024.



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3. The petitioner contend that the impugned FIR 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 petitioner was not involved in the said occurrence and he did not waylay the buses and caused any public nuisance. Further, the learned counsel for the petitioner submitted that the FIR does not contain any specific overt act attributable to the petitioner and he was not associated with the unlawful assembly. Therefore, the essential ingredients of Sections 190 of BNS is not maintainable.

5. Further the learned counsel for the petitioners submitted that (i) since no public was affected ; (ii) no intention of causing danger to the



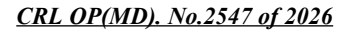
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public or (iii) obstruction to the public, the offence under Section 126 of BNS would not attract.

6. Further, he would submit that there was no proof to show that the petitioner has caused public nuisance in the alleged scene of occurrence and that public were affected. Therefore, no case is made out under Section 292 of BNS also.

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 Inspector of Police, the respondent police registered the FIR. According to him, the petitioner has an effective remedy of participating in the investigation rather than seeking quashing of FIR at this stage.



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.

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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 FIR in Crime No.12 of 2024 on the file of the first respondent police is quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

10.02.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

Note: Issue order copy on **11.02.2026**

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To

1.The Inspector of Police, SS Colony, Police Station,
Madurai City, Crime No. 12 of 2024.

2.The Additional Public Prosecution,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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