



Crl.O.P(MD)No.2292 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.2292 of 2026

and

Crl.M.P(MD)No.2586 of 2026

- 1.Sheik Mohamed Bayas
- 2.Peer Mohamed
- 3.Abdullah Kaja Mydeen
- 4.Peer Mohaideen
- 5.Syed Ali
- 6.Mohamed Asanar
- 7.Syed Mohamed Ghouse
- 8.Syed Kadar Sha
- 9.Syed Ahamed
- 10.Syed Mohamed Ayyub

... Petitioners/A2-6, 8,9,11-13

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Pettai Police Station,
Tirunelveli City Police.
(Crime No.218/2022)

... Respondent/Complainant

- 2.Durai Pandiyan

... 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 C.C.No.



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2770 of 2022 in Cr.No.218 of 2022 pending on the file of the learned Judicial Magistrate No.IV, Tirunelveli and to quash the same as illegal as against the petitioners.

For Petitioners : Mr.A.Syed Abdul Kather
For R1 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking quashment of the Final Report in C.C.No.2770 of 2022 on the file of the learned Judicial Magistrate No.IV, Tirunelveli, this criminal original petition is filed.

2. Since no adverse order is passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The prosecution case is that on 22.09.2022 at about 11.45 hours, the defacto complainant received information that members of Popular Front of India and SDPI were attempting to conduct a dharna protest at Pettai Rottikadai Bazaar, condemning NIA search operations. On reaching the spot at about 12.00 hours, it was found that the protest



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was led by a local office bearer along with others, who allegedly blocked the road, raised slogans, and caused public disturbance. As they could not be dispersed immediately, additional police force was called, and the protesters were detained at Vasantham Marriage Hall due to lack of space at the police station. Subsequently, a case in Crime No. 218 of 2022 was registered for offences under Sections 143 and 341 IPC. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.IV, Tirunelveli and the same was taken on file as C.C. No.2770 of 2022 for the above said offences.

4. 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.



5. 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.

6. 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.

7. Per contra, the learned Additional Public Prosecutor 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.

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



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9. Section 143 IPC requires a *prima facie* indication that the person was a member of an “unlawful assembly” as defined, i.e., an assembly with a common object falling within Section 141 IPC. In a protest-related FIR, merely stating that a group assembled, without particulars of common object vis-à-vis each accused, and without any material indicating participation beyond presence, is insufficient to fasten criminality on an individual.

10. 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.

11. 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.

12. The ingredients of Sections 143 and 341 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.

13. 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.



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14. 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.

15. In the result, the Criminal Original Petition is allowed. The Final Report in C.C.No.2770 of 2022 on the file of the Learned Judicial Magistrate No.IV, Tirunelveli is quashed insofar as the petitioners are concerned. Consequently, connected Miscellaneous Petition is closed.

05.02.2026

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

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To

1.The Judicial Magistrate No.IV,
Tirunelveli.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli City Police.



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L.VICTORIA GOWRI, J.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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