



Crl.O.P(MD)No.2305 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.2305 of 2026

1.Muraleedharan
2.Kalarani
3.Sivasankar @ Sivashankar
4.Kumar
5.Soundarapandian ... Petitioners/A1,5,9,10 & 13

Vs.

The State of Tamil Nadu,
Rep.by the Sub Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.112/2025) ... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, 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 - 1, Ramanathapuram and quash the same as illegal in respect of the petitioners concerned.

For Petitioners : Mr.B.Durai Murugan
For Respondent : Mr.M.Sakthi Kumar
Government Advocat(Crl.Side)



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ORDER

Seeking quashment of the Charge Sheet in S.T.C.No.1927 of 2025 on the file of Judicial Magistrate - 1, Ramanathapuram, this criminal original petition is filed.

2. The case of the prosecution is that the petitioners along with 10 others, unlawfully assembled near Aranmani, Ramanathapuram, without permission, and held a demonstration condemning the Pahalgam massacre in Kashmir and protesting against Pakistan, causing public obstruction and inconvenience. Hence, F.I.R in Crime No.112 of 2025 was registered by the respondent police for the offences under Sections 189(2) and 292 BNS, 2023 corresponding to Sections 143 and 290 IPC. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate - 1, Ramanathapuram and the same was taken on file as S.T.C.No.1927 of 2025 for the offences under Sections 189(2) and 292 BNS, 2023

3. 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.

4. 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.

5. 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.



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6. Per contra, the learned Government Advocate(Crl.side) 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.

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

8. 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.

9. Section 290 IPC relates to punishment for public nuisance where the nuisance is established. Even to proceed, there must be



foundational allegations describing the nuisance and the petitioners' role in causing it. Such foundational particulars are absent as against the petitioners.

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 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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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 Judicial Magistrate - 1, Ramanathapuram is quashed insofar as the petitioners are concerned.

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

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To

- 1.The Judicial Magistrate – 1,
Ramanathapuram.
- 2.The Sub Inspector of Police,
Bazaar Police Station,
Ramanathapuram 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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