



CRL OP(MD). No.3206 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3206 of 2026

and

CRL MP(MD). No.3487 of 2026

Chandra

... Petitioner

Vs

State of Tamilnadu Rep by
The Sub Inspector of Police,
Samayapuram Police Station,
Trichy.
(Crime No. 123/2018).

... Respondent

PRAYER :-

To call for the records pertaining to the impugned FIR in Crime No. 123/2018 dated 07.05.2018, on the file of the Respondent Police and to Quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : M/s.Kesavan D,
Advocate.

For Respondent : M/s.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER



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WEB COPY 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 to in Crime No.123 of 2018 on the file of the first respondent police and to quash the same as illegal.

2. The case of the prosecution, as reflected in the First Information Report is that on 07.05.2018, the petitioner along with others accused persons, have assembled unlawfully with an intention of proceeding to Chennai, in a Travels Bus, for participating in a protest scheduled to be held in front of Fort St.George, Chennai, demanding fulfillment of various service related demands. The police personnel on duty intercepted them. Even after their permission was refused, they have participated in a blockade protest, disrupt traffic and caused disturbance to the normal public life in Chennai and thereby caused law and order problem. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.123 of 2018 for the alleged offences under Sections 143, 150, 151 and 188 of IPC.



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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 petitioner submit that the petitioner has not participated in the protest and she is only the owner of the vehicle in which the accused persons were travelled to the spot.

4. The learned counsel for the petitioner submitted that the FIR does not contain any specific overt act attributable to any of the petitioner. Therefore, the essential ingredients of Sections 143, 150 and 151 of IPC is not made out since there is no proof of unlawful assembly and membership therein. Section 150 requires intentional hiring or engagement of persons knowing they would commit an offence and Section 151 of IPC requires knowingly joining or continuing in an unlawful assembly. There is no proof for the above offences committed by the petitioner, since he is the owner of the vehicle which was hired by the accused in this case for travelling to the spot where the protest was conducted.



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5. Further the learned counsel for the petitioner submitted that under Section 188 of IPC, can be taken only on a complaint in writing by the public servant concerned, as mandated under Section 195(1)(a) Cr.P.C.

6. 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.

7. 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.

8. I have considered the submissions of both sides and perused the



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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 petitioners. There is no allegation of violence, obstruction, public nuisance or disturbance.

9. 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.

10. The ingredients of Sections 143, 283 and 286 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.



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11. In view of the authoritative pronouncements cited by the petitioner, and considering the facts of the present case, this Court finds that the continuation of the investigation against the petitioner would amount to abuse of process of law.

12. 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.

13. In the result, the Criminal Original Petition is allowed. The FIR in Crime No.123 of 2018 dated 07.05.2018 on the file of the Sub Inspector of Police, Samayapuram Police Station, Trichy, is quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

16.02.2026

NCC : yes / no
Index : yes / no

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To

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1. The Sub Inspector of Police,
Samayapuram Police Station,
Trichy. (Crime No. 123/2018).
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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