



CRL OP(MD). No.2714 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.2714 of 2026

and

CrI.M.P(MD).No.3027 of 2026

1. R.Arun,
2. Karupasamy .T,
3. Rama.D,
4. Prabhu .M,
5. Chinnasamy .M,
6. Kannan,
7. Ramasamy,
8. Valli,
9. Valarmathi,
10. Mariyammal,
11. Devi,
12. Pitchaiyammal,
13. Maheswari,
14. Pandimeena,
15. Ramukalai,

... Petitioners

Vs

1. State of Tamilnadu Rep by
The Sub Inspector of Police,
Uthapanaickanur, Police Station,
Madurai District.
(Crime No.114/2025).



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2. R.Paulraj,,
The Sub-Inspector of Police,
Uthappanayakanur Police Station,
Madurai District..

... Respondents

PRAYER :- To call for the records pertaining to the FIR in Crime No. 114/2025 on the file of the 1st respondent police dated 18.08.2025 and Quash the same as illegal as far as the petitioners concerned.

For Petitioner : Mr.J.Jeyakumaran,
For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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, seeking to call for the entire records relating in Crime No.114 of 2025 dated 18.08.2025, and to quash the same as illegal.

2. The case of the prosecution, as reflected in the First Information Report is that the petitioners conducted protest in the public road, in order to remove the encroachment made by the encroachers in survey No.



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226/67 in Maripatti, Uthappanayakanur Village, Usilampatti Taluk, Madurai, by following the order passed by this Court in W.P(MD).No. 23513 of 2024 dated 08.07.2025. On that basis, the respondent police registered a case in Crime No.114 of 2025 for the alleged offences under Sections 191(2) and 126(2) of BNS (corresponding offences under Section 147 and 341 of IPC) dated 18.08.2025.

3. The petitioners contend that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the protest 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. Further the learned counsel for the petitioners submitted that (i) since no public was affected ; (ii) no intention of causing danger to the public or (iii) obstruction to the public, the offence under Section 126 (2) of BNS would not attract.



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5. As far as Section 191(2) of the BNS, 2023 is concerned, the definition clause provides that whenever force or violence is used by an unlawful assembly, or by any member thereof in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting. Admittedly, as per the prosecution case, there is no use of force or violence; it is only an agitation and a peaceful protest. Hence, the offence under Section 191(2) of the BNS, 2023 is not attracted against the petitioners.

6. 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 petitioners have an effective remedy of participating in the investigation rather than seeking quashing of FIR at this stage.

7. I have considered the submissions of both sides and perused the materials placed on record. A careful reading of the FIR reveals that no specific overt act has been attributed to the petitioners. There is no allegation of violence, obstruction, public nuisance or disturbance.



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8. As far as the offence under Section 191(2) is concerned, the aspect as to the existence of any unlawful assembly, the common object has not been established by the prosecution agency in the FIR. As far as the offence under Section 126(2) is concerned, no wrongful restraint is revealed from the content of the FIR itself.

9. The ingredients of Section 191 (2) and 126(2) of BNS 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.

10. 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.

11. 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.



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12. In the result, the Criminal Original Petition is allowed. The FIR in Crime No.114 of 2025 on the file of the first respondent police is quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition is closed.

10.02.2026

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TO

1. The Sub Inspector of Police,
Uthapanaickanur, Police Station,
Madurai District.
(Crime No.114/2025).
2. R.Paulraj,,
The Sub-Inspector of Police,
Uthappanayakanur Police Station,
Madurai District..



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L. VICTORIA GOWRI,J

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