



CRL OP(MD). No.2715 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.2715 of 2026

and

CrI.M.P(MD).No.3028 of 2026

1. R.Arun,
2. V.Boominathan,,
3. A. Myleri,,
4. A. Maharajan,
5. C. Murugesan,
6. K. Arumugam,
7. R. Rakkammal,
8. A. Angammal,
9. Rajadevi,
10. V. Avudayammal,,
11. Jeyamani,
12. K. Parvathi,,

... Petitioners

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No. 315 of 2025..
2. V. Padmanaban,
S/o. Vijayaraman,



CRL OP(MD). No.2715 of 2026

The Village
Administrative Officer,
Seemamuthu Village,
Usilampatti Taluk,
Madurai District..

... Respondents

PRAYER :- To call for the records pertaining to the FIR in Crime No. 315 of 2025 on the file of the 1st respondent police dated 18.08.2025 and Quash the same as illegal as far as the petitioners are concerned.

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

ORDER

This Criminal Original Petition is filed to call for the records in Crime No.315 of 2025 on the file of the first respondent police and Quash the same as illegal as far as the petitioners are concerned.

2. The gist of the allegations in the FIR is that in order to remove the encroachment made by some encroachers in S.No.226/16, at Maripatti Village, Usilampatti Taluk, on 18.08.2025 at about 02.00 p.m, the petitioners trespassed the Tahsildar Office at Seemanuthu Village and protested to remove the encroachment made in the above survey and also



CRL OP(MD). No.2715 of 2026

restrained the officials. Pursuant to the complaint given by the defacto complainant / second respondent, a case in Crime No.315 of 2025 was registered on the file of the first respondent against the accused persons including the petitioners for the offences under Sections 329 (4), 127(2) and 132 of BNS 2023 (Corresponding offence under Sections 448, 342 and 353 of IPC, 1860). Seeking quashment of the same, this Criminal Original Petition is filed.

3. The learned counsel for the petitioner contend that the impugned charge sheet suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioner submits 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 petitioner submitted that the FIR does not contain any specific overt act attributable to the petitioner. The complaint does not whisper any material to show that the petitioner



CRL OP(MD). No.2715 of 2026

indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public. Therefore, the essential ingredients of Sections 329 (4), 127(2) and 132 of BNS 2023 are not attracted against the petitioners.

5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the respondent police registered the FIR at the time of the petitioners conducting the protest. According to him, the petitioner have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

6. 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 petitioner. There is no allegation of obstruction and criminal intimidation. For a simple offence, the petitioner was charged for serious offences under Sections 329 (4), 127(2) and 132 of BNS 2023.



CRL OP(MD). No.2715 of 2026

7. As far as Section 329(4) of the BNS, 2023 is concerned, the definition clause under Section 329(1) provides that whoever enters into or upon property in the possession of another with intent to commit an offence, or to intimidate, insult, or annoy any person in possession of such property, or, having lawfully entered into or upon such property, unlawfully remains there with such intent, is said to commit criminal trespass. Hence, the offence under Section 329(4) of the BNS, 2023 is not attracted against the petitioners.

8. As far as Section 127(2) of the BNS, 2023 is concerned, the definition clause under Section 127(1) provides that whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits is said to wrongfully confine that person. Admittedly, as per the prosecution case, there is no wrongful confinement; it is only an agitation and a peaceful protest. Hence, the offence under Section 127(2) of the BNS, 2023 is not attracted against the petitioners.



CRL OP(MD). No.2715 of 2026

9. As regards Section 132 of BNS, it was submitted that there are no allegations of assault, use of criminal force, or obstruction of any public servant in the discharge of official duties.

10. Similarly, the materials on record do not disclose any act of assault or use of criminal force against a public servant so as to attract Section 132 of BNS.

11. The ingredients of Sections 329 (4), 127(2) and 132 of BNS 2023, 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.

12. In view of the foregoing discussion, this Court is of the considered opinion that the continuation of the criminal proceedings against the petitioner would amount to an abuse of the process of law.



CRL OP(MD). No.2715 of 2026

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 impugned FIR in Crime No.315 of 2025 on the file of the first respondent police is quashed insofar as the petitioners are concerned. Consequently, connected Miscellaneous Petition is closed.

10.02.2026

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TO

1. Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No. 315 of 2025..

2. V. Padmanaban,
S/o. Vijayaraman,
The Village
Administrative Officer,
Seemamuthu Village,
Usilampatti Taluk,
Madurai District..

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CRL OP(MD). No.2715 of 2026

L. VICTORIA GOWRI,J

TTA

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Date : 10/02/2026