



Crl.O.P(MD)No.2818 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.2818 of 2026

and

Crl.M.P(MD)Nos.3125 & 3128 of 2026

Mohamed Sabi

... Petitioner/29th Accused

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Paalani Town Police Station,
Dindigul District.
(Crime No.1340/2020)

... Respondent/Complainant

2.Selvaraj

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for records in respect of the case in S.T.C.No.409 of 2020 on the file of the Judicial Magistrate, Palani, and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.D.Venkatesh

For R1 : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

Seeking quashment of the Final Report in S.T.C.No.409 of 2020 on the file of the Judicial Magistrate, Palani, this criminal original petition is filed.

2. Notice to the 2nd respondent is dispensed with, since no adverse order is passed against the 2nd respondent.

3. The case of the prosecution is that on 11.08.2020 at about 11.00 a.m., the 2nd respondent, who is a Village Administrative Officer, went to the Palani bus stand and found members of various political parties unlawfully assembling and protesting against the withdrawal of the Environmental Impact Assessment (EIA) Act, 2020. Hence, F.I.R in Crime No.1340 of 2020 on the file of the 1st respondent police came to be registered for the offences under Sections 143, 341 and 269 of IPC.



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4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate, Palani and the same was taken on file as S.T.C.No. 409 of 2020 for the offences under Sections 143, 341 and 269 of IPC.

5. The learned counsel for the petitioner contend that the impugned final report suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioner 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.

6. The learned counsel for the petitioner submitted that the final report does not contain any specific overt act attributable to the petitioner. The final report does not whisper any material to show that



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the petitioner indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public.

7. 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.

8. Per contra, the learned Additional Public Prosecutor on the other hand, submitted that the petitioner 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.

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



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10. 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.

11. 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.

12. Section 269 IPC deals with any person who unlawfully or negligently does any act which he knows or has reason to believe is



likely to spread the infection of any disease dangerous to life. The Final Report discloses none.

13. 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.

14. The ingredients of Sections 143, 341 and 269 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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15. 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.

16. 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.

17. In the result, the Criminal Original Petition is allowed. The final report in STC No.409 of 2020 on the file of Learned Judicial Magistrate, Palani is quashed insofar as the petitioner is concerned. Consequently, the connected Miscellaneous Petitions are closed.

11.02.2026

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

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Note : Issue order copy on 21.04.2026.



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L.VICTORIA GOWRI, J.

dss

To

- 1.The Judicial Magistrate,
Palani.
- 2.The Inspector of Police,
Paalani Town Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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