



CRL OP(MD). No.3021 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 13/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3021 of 2026
and
CRL MP(MD)Nos.3270 & 3273 of 2026

1.A.Susila
2.J.Indira
3.M.Pothumani
4.R.Kayalvizhi
5.N.Gurusamy
6.A.Thirumurugan
7.K.Aasai
8.P.Pandi
9.C.Veeran

... Petitioners

Vs

1.The State represented by
The Inspector of Police,
Town Police Station,
Usilampatti, Madurai District.
(Crime No.380 of 2015)

... 1st Respondent / Complainant No.1

2.A.Aandi

... 2nd Respondent / Defacto Complainant

PRAYER :-

To call for the records pertaining to the Charge Sheet dated 18.08.2015
(brought before the Court on 02.11.2017) in C.C.No.83 of 2017 under
Sections 143, 427 of IPC on the file of the learned Judicial Magistrate



CRL OP(MD). No.3021 of 2026

Court No.I, Usilampatti, Madurai District the petitioners No.1 to 9 have filed this instant Criminal Original Petition praying this Court to quash the charge sheet as the said case is contra to the facts and law which was filed against the petitioner and quash the same as illegal.

For Petitioners : Mr.M.Seran

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl Side)
for R.1

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, to call for the records relating to the proceedings in C.C.No.83 of 2017 under Sections 143, 427 of IPC on the file of the learned Judicial Magistrate Court No.I, Usilampatti, Madurai District and quash the same.

2. The case of the prosecution, as reflected in the First Information Report, is that on 07.08.2015, the petitioner along with other accused persons gathered near TASMACH Shop No.5288 on Madurai Road and conducted a protest against the sale of liquor. On that basis, the



CRL OP(MD). No.3021 of 2026

respondent police registered a case in Crime No.380 of 2015 for the alleged offences under Sections 143, 427 of IPC and the same was culminated into filing of charge sheet in C.C.No.83 of 2017 under Sections 143, 427 of IPC on the file of the learned Judicial Magistrate Court No.I, Usilampatti, Madurai District. Seeking quashment of the same, the present Criminal Original Petition came to be filed.

3. The petitioner contend that the impugned FIR and the charge sheet suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the campaign 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. The learned counsel for the petitioner submitted that the FIR and the charge sheet does not contain any specific overt act attributable to any of the petitioners. Section 143 IPC cannot be invoked in the present



CRL OP(MD). No.3021 of 2026

case because the essence of this provision is the participation in an unlawful assembly where there is use or threat of criminal force as defined in Section 141 IPC. There has been no criminal force or intention to use force. Simply staging a protest and raising slogans does not amount to unlawful assembly under Section 143 IPC.

5. He further submitted that Section 427 IPC concerns mischief causing damage to property amounting to ₹50 or more. As per the prosecution, the petitioner along with other accused persons, acting under the banner of 'Makkal Athikaram' caused damage to a shop signboard valued at approximately Rs.300/- by pouring cow dung on it. The Petitioner submit that the protest was conducted in a silent and orderly manner without causing any disturbance to public peace or the free movement of the community. In the absence of any criminal intent to cause 'wrongful loss' or 'damage' in a substantial sense, the invocation of Section 427 IPC is purely an attempt to criminalize a legitimate democratic expression.



CRL OP(MD). No.3021 of 2026

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 given by the Sub Inspector of Police, Mandapam Police Station, the respondent police registered the FIR and thereafter the charge sheet was filed. According to him, the petitioner has an effective remedy of participating in the investigation rather than seeking quashing of FIR and the charge sheet at this stage.

8. I have considered the submissions of both sides and perused the 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 petitioner. There is no allegation of violence, obstruction, public nuisance or disturbance.



WEB COPY

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 and 427 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.

11. 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 trial against the petitioners would amount to abuse of process of law.



CRL OP(MD). No.3021 of 2026

WEB COPY

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.380 of 2015 on the file of the first respondent police and the proceedings in C.C.No.83 of 2017 under Sections 143, 427 of IPC on the file of the learned Judicial Magistrate Court No.I, Usilampatti, Madurai District, are quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petitions are closed.

13.02.2026

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

pnn



CRL OP(MD). No.3021 of 2026

L. VICTORIA GOWRI,J

pnn

To

- 1.The Judicial Magistrate Court No.I,
Usilampatti,
Madurai District.
2. The Inspector of Police,
Town Police Station,
Usilampatti,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3021 of 2026

Date : 13/02/2026