



CRL OP(MD). No.3030 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/02/2026

CORAM

THE HONOURABLE **MRS. JUSTICE L. VICTORIA GOWRI**

CRL OP(MD). No.3030 of 2026

and

CRL MP(MD). No.3283 of 2026

- 1.S.Mariyappan
- 2.S.Shanmugam
- 3.M.Gurusamy
- 4.C.Alagarkaruppasamy
- 5.B.Meenachi
- 6.K.Suresh
- 7.M.Suriya
- 8.K.Suresh
- 9.M.Venkadesh
- 10.D.Udhayakumar
- 11.A.Dineshkumar
- 12.M.Ayishakani
- 13.P.Tharmaraj
- 14.R.Kuttyganesh
- 15.Santhosh
- 16.Amutharani
- 17.Dineshbabu
- 18.Karthick
- 19.Loorthumery
- 20.Chithirai
- 21.Muniyandi
- 22.Annalakshmi
- 23.V.Vallithai
- 24.Manimegalai
- 25.Petchiammal

... Petitioners

Vs

- 1.State of Tamilnadu
Rep by The Inspector of Police,
Sivagiri Police Station,



CRL OP(MD), No.3030 of 2026

Tenkasi District.
(Crime No. 476/2025)

2.K.Ganesan

... Respondents

PRAYER :-

To call for the records in Crime No.476 of 2025 on the file of the respondent police station, Sivagiri and quash the same.

For Petitioners : Mr.M.Danush Kumar
For R1 : 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 to in Crime No.476 of 2025 on the file of the respondent police station, Sivagiri, and to quash the same as illegal.

2. The case of the prosecution, as reflected in the First Information Report is that on 18.11.2025 the accused persons including the petitioners have unlawfully assembled and raised slogan, thereby caused inconvenience to the public. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.476 of 2025 for the alleged offences under Sections 189(2), 285 and 292 of BNS, 2023.

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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 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 petitioners submitted that the FIR does not contain any specific overt act attributable to any of the petitioners. The complaint does not disclose an unlawful assembly, as the petitioners being a members of particular political party and the petitioners had gathered for purposeful protest. Therefore, the essential ingredients of Section 189(2) of BNS (Corresponding to Section 142 of IPC) is not maintainable.

5. Section 285 of BNS (Corresponding to Section 283 IPC) which deals with obstruction or danger caused in any public way, requires clear averments of danger, injury, or obstruction. The FIR discloses none.



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6. Section 292 of BNS (Corresponding to Section 290 of IPC) is not made out as against the petitioners, since there is no material to show that the petitioners caused common injury, danger, or annoyance to the public.

7. It is further argued that the allegations in the FIR 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 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 without obtaining any proper permission. According to him, the petitioner have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

9. 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, causing injury, public



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nuisance or disturbance. For a simple offence, the petitioners were charged for serious offences under Sections 189(2), 285 and 292 of BNS, 2023.

10. 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.

11. The ingredients of Sections 189(2), 285 and 292 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.

12. 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.



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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 FIR in Crime No.476 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.

13.02.2026

NCC : yes / no
Index : yes / no
Rmk

To

- 1.The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L. VICTORIA GOWRI,J

Rmk

ORDER
IN
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