



CrI.O.P.(MD)No.2807 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **10.02.2026**

CORAM:

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

CrI.O.P.(MD)No.2807 of 2026
& CrI.M.P.(MD)No.3108 & 3109 of 2026

1.Ramamoorthy
2.Mahendran @ Siva
3.Ragavan
4.Krishnan

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No.246 of 2023

2.Ranjith,
Village Administrative Officer,
Radhunathapuram Group Village,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to the case in STC No.391 of 2024 on the file of the learned Judicial Magistrate No.I, Ramanathpauram and quash the same.

For Petitioners : Mr.B.Brijesh Kishore

For Respondents : Mr.S.Ravi (R1)

Additional Public Prosecutor



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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 STC No.391 of 2024 on the file of the learned Judicial Magistrate No.I, Ramanathpauram, and to quash the same as illegal.

2. The case of the prosecution, as reflected in the charge sheet, is that on 24.12.2023, the petitioners and others made a demonstration to dislocate the tasmac shop situated in Radhunathapuram Village without any permission, thereby causing nuisance and disturbance and obstruction to the public and vehicle movements. On that basis, the respondent police registered a case in Crime No.246 of 2023 for the alleged offences under Sections 143, 341 and 290 of IPC (corresponding offences under Sections 190, 126 and 292 of BNS) and the same culminated in laying charge sheet in STC No.391 of 2024 on the file of the learned Judicial Magistrate No.I, Ramanathpauram for the same offences.



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3. The petitioners contend that the impugned FIR and charge sheet suffer from fundamental illegality and do 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 petitioners were not involved in the said occurrence and they did not cause any public nuisance. Further, the learned counsel for the petitioners submitted that the FIR and the charge sheet do not contain any specific overt act attributable to the petitioners and they were not associated with the unlawful assembly. Therefore, the essential ingredients of Section 143 of IPC (190 of BNS) is not maintainable.

5. 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 341 of IPC (126 of BNS) would not attract.



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6. Further, he would submit that there was no proof to show that the petitioners have caused public nuisance in the alleged scene of occurrence and that public were affected. Therefore, no case is made out under Section 290 of IPC (292 of BNS) also.

7. 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.

8. 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.

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, public nuisance or disturbance.



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10. Articles 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 143, 341 and 290 of IPC (corresponding offences under Sections 190, 126 and 292 of BNS) are not made out. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present FIR and the charge sheet 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 charge sheet in STC No.391 of 2024 on the file of the learned Judicial Magistrate No.I, Ramanathpauram is quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petitions are closed.

10.02.2026

NCC : Yes / No
Index : Yes / No
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TO:-

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1. The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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Order made in
CrI.O.P.(MD)No.2807 of 2026

Dated
10.02.2026