



CRL OP(MD). No.3432 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3432 of 2025
and
CRL MP(MD). No.2374 of 2025

Shanmugapandi

... Petitioner

Vs

1. The State of Tamilnadu,
Rep by the Sub Inspector of Police,
Valliyur Police Station,
Tirunelveli District.
Crime No.409/2014.

2. Natarajan,
Village Administrative Officer,
Part 1, North Valliyoor,
Tirunelveli District.

... Respondents

PRAYER :-

To call for the records and Quash the Charge Sheet in STC No.183 of 2015 on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District.

For Petitioner : Mr.R.Ilayaraja,
Advocate.

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



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ORDER

This Criminal Original Petition is filed to call for the records and quash the Charge Sheet in STC No.183 of 2015 on the file of the Judicial Magistrate, Valliyoor, Tirunelveli District.

2. The case of the prosecution, as reflected in the charge sheet is that on 11.10.2014, the petitioner conducted a fasting till death for the release of the Chief Minister at the Western side of the New Valliyoor Bus stand, near Taxi stand without any prior permission from the Government. Therefore, a case was registered in Crime No.409 of 2014 for the offences under Sections 188 and 309 of IPC. After completion of investigation, charge sheet has been filed in STC.No.183 of 2015 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District. Seeking quashment of the same this Criminal Original Petition is filed.

3. The petitioner contended that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioner submit that the campaign was conducted peacefully and that right of expression is a constitutionally



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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 any of the petitioners. The complaint does not disclose an unlawful assembly and the petitioners along with others, had gathered for a purposeful protest. He further submitted that insofar as Section 188 of IPC, there is no proof to show that any disobedience causes or risks causing obstruction, annoyance, injury, riot, or danger to human life, health, or safety. Insofar as Section 309 of IPC is concerned, there is no proof to show that the petitioner has an intention to commit suicide.

5. 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.



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6. 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 petitioner conducting the protest. According to him, the petitioner have an effective remedy of participating in the investigation rather than seeking quashing at this stage.

7. 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 violence, obstruction, public nuisance or disturbance. For a simple offence, the petitioner was charged for serious offences under Sections 188 and 309 of IPC.

8. 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,



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and criminal prosecution cannot be launched unless the alleged act squarely falls within the ingredients of a penal offence.

9. The ingredients of Sections 188 and 309 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.

10. 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.

11. 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.

12. In the result, the Criminal Original Petition is allowed. The



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charge sheet in STC No.183 of 2015 on the file of Learned Judicial Magistrate, Valliyoor, Tirunelveli District, is quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition is closed.

05.02.2026

NCC : yes / no

Index : yes / no

pnn / dss

To

- 1.The Judicial Magistrate, Valliyoor, Tirunelveli District.
2. The Sub Inspector of Police, Valliyur Police Station, Tirunelveli District. Crime No.409/2014.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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