



CRL OP(MD). No.3404 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3404 of 2026

and

CrI M.P(MD)Nos.3629 & 3632 of 2026

1.Sivasamy

2.Murugesan

3.Dheenasenan

4.Anbarasu

5.Gopinath

... Petitioners / Accused No.1 to 5

Vs

1.The State represented by

The Inspector of Police,

Velayuthampalayam Police Station,

Karur District.

(Crime No.725 of 2021)

... 1st Respondent / Complainant

2.Mohanambal

... 2nd Respondent / Defacto Complainant

PRAYER :-

To call for the records pertaining to the charge sheet in STC No. 1186/2023 on the file of the learned Judicial Magistrate No.II, Karur and quash the same as illegal, as far as the petitioners are concerned.



CRL OP(MD). No.3404 of 2026

For Petitioners : Mr.R.Rama Guru

For Respondents : Mr.S.Ravi for R1
Additional Public Prosecutor

ORDER

Preface:

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 S.T.C.No.1186 of 2023 pending on the file of the learned Judicial Magistrate No.II, Karur, arising out of Crime No.725 of 2021, and to quash the same as illegal.

Case of the Prosecution:

2. The case of the prosecution, as reflected in the First Information Report and the final report, is that on 17.09.2021, the petitioner along with other party people belongs to Bharathiya Janatha party, conducted agitation for damaging the Flex Board fixed by the petitioner during Corona period, without getting any permission from the authorities and violated the Traffic Rules and regulations and also they involved in



CRL OP(MD). No.3404 of 2026

public nuisance. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.725 of 2021 for the alleged offences under Sections 143, 341, 269 of IPC and Section 3 of Epidemic Disease Act, 1897 and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 dated 17.09.2021 against the petitioners.

3. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.II, Karur, and the same was taken on file as S.T.C.No.1186 of 2023.

Case of the Petitioner:

4. The petitioners are arrayed as A1 to A5 in the impugned case. The petitioners submit that they are the members of the Bharathiya Janatha Party. According to the petitioner, the protest conducted by him and others was a peaceful agitation celebrating the Hon'ble Prime Minister of India. It is asserted that the protest did not disturb public order, traffic, or the general public and was well within the constitutional rights guaranteed under Article 19(1)(a) of the Constitution of India.



CRL OP(MD). No.3404 of 2026

WEB COPY ***Submissions:***

7. The learned counsel for the petitioner reiterated that the impugned prosecution is malicious, devoid of material evidence, and intended only to stifle democratic dissent. It was submitted that compelling the petitioner to face trial would result in grave miscarriage of justice.

8. The learned Government Advocate (Criminal Side), on the other hand, submitted that the petitioner and others 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.

10. *Point for Consideration:*

Whether the continuation of proceedings in S.T.C.No.1186 of



CRL OP(MD). No.3404 of 2026

2023 against the petitioners would amount to abuse of process of law, warranting interference under the inherent jurisdiction of this Court?

Analysis:

11. This Court has carefully perused the FIR, the final report, and the materials placed on record. A reading of the prosecution records reveals that the allegations primarily relate to a peaceful protest expressing dissent against the laying of a foundation stone for a market, which is already the subject matter of pending litigation before this Court and the Hon'ble Supreme Court.

12. For attracting Sections 143, 341, 269 of IPC and Section 3 of Epidemic Diseases Act, 1897 and Section 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, the prosecution must *prima facie* establish the existence of an unlawful assembly with a common object involving criminal force or violence. The FIR itself does not disclose any act of violence, force, or intimidation. Mere assembly or expression of dissent, in the absence of criminal force, would not constitute an unlawful assembly. Except for a bald allegation made by



CRL OP(MD). No.3404 of 2026

the complainant police official, there is no material to show actual obstruction, inconvenience, or danger to the public. No independent witness or member of the public has complained about the alleged protest.

13. Peaceful protest and expression of dissent are integral to a democratic polity and are protected under Article 19(1)(a) of the Constitution of India, subject to reasonable restrictions. Criminal prosecution cannot be used as a tool to suppress lawful dissent.

14. This Court is conscious of the settled principle that when the uncontroverted allegations do not disclose the commission of any offence and when the continuation of proceedings would only result in harassment of the accused, the inherent jurisdiction of this Court can and ought to be exercised to prevent abuse of process of law.

15. In the present case, the materials on record do not disclose a *prima facie* case against the petitioner. The prosecution appears to be inherently improbable and unsupported by legally acceptable evidence.



CRL OP(MD). No.3404 of 2026

16. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings in STC No.1186/2023 on the file of the learned Judicial Magistrate No.II, Karur, against the petitioner would amount to abuse of process of law.

17. Accordingly, this Criminal Original Petition is allowed, and the proceedings in STC No.1186/2023 on the file of the learned Judicial Magistrate No.II, Karur, arising out of Crime No.725 of 2021, are quashed, insofar as the petitioner is concerned. Consequently, connected miscellaneous petitions are closed.

18.02.2026

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

pnn



CRL OP(MD). No.3404 of 2026

To
WEB COPY

- 1.The Judicial Magistrate No.II,
Karur.
- 2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD). No.3404 of 2026

L. VICTORIA GOWRI,J

pnn

ORDER
IN
CRL OP(MD) No.3404 of 2026

Date : 18/02/2026