



CRL OP(MD). No.3435 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3435 of 2026

and

CrI M.P(MD)Nos.3690 & 3692 of 2026

1.Sasi Kumar
2.Sridhar @ Sritharan

... Petitioners /
Accused No.5 & 6

Vs

1.The State represented by
The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
(Crime No.341 of 2024)

... 1st Respondent /
Complainant

2.Pattu Raja

... 2nd Respondent /
Defacto Complainant

PRAYER :-

To call for the entire records relating to impugned Charge sheet in S.T.C.No.96 of 2025 on the file of the Judicial Magistrate Court No.II, Ramanathapuram and to Quash the same insofar as the petitioners are concerned.



CRL OP(MD). No.3435 of 2026

For Petitioners : Mr.M.S.Jeyakarthish
For Respondents : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl)

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.96 of 2025 pending on the file of the learned Judicial Magistrate No.II, Ramanathapuram, arising out of Crime No.341 of 2024 dated 16.09.2024, 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 16.09.2024, when the second respondent and other police officials were on surveillance, they found that the accused persons joined together and they raised slogans for demanding the arrest the accused in the murder of one Pathakumar, thereby caused disturbance and nuisance to the general public. On the



CRL OP(MD). No.3435 of 2026

basis of the complaint given by a police official, the respondent police registered a case in Crime No.341 of 2024 for the alleged offences under Sections 189(2) and 292 of the Bharatiya Nyaya Sanhita, 2023.

3. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.II, Ramanathapuram, and the same was taken on file as S.T.C.No.96 of 2025.

Case of the Petitioner:

4. The petitioners are arrayed as A5 and A6 in the impugned case. The petitioner submits that he is a practising advocate and a social activist.

5. According to the petitioner, the protest conducted by him and others was a peaceful black flag protest expressing dissent against the alleged illegal actions of the authorities. 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.3435 of 2026

WEB COPY ***Grounds for quash:***

6. The petitioner contends that the essential ingredients of Section 189(2) of BNS, relating to unlawful assembly with criminal force or common object, are completely absent. The materials on record do not disclose any use of force or violence or any common object attracting criminal liability. It is further contended that Section 292 of BNS is not attracted, as there is no nuisance caused to the public by the petitioner.

7. The complaint has been lodged by a police official, and there is no independent complaint from any member of the general public alleging inconvenience or obstruction. The prosecution, according to the petitioner, is politically motivated and amounts to abuse of the process of law.

Submissions:

8. The learned counsel for the petitioner reiterated that the impugned prosecution is malicious, devoid of material evidence, and



CRL OP(MD). No.3435 of 2026

intended only to stifle democratic dissent. It was submitted that compelling the petitioner to face trial would result in grave miscarriage of justice.

9. 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.

10. Heard the learned counsels on either side and carefully perused the materials available on record.

11. *Point for Consideration:*

Whether the continuation of proceedings in S.T.C.No.96 of 2025 against the petitioner would amount to abuse of process of law, warranting interference under the inherent jurisdiction of this Court?



CRL OP(MD). No.3435 of 2026

Analysis:

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12. 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.

13. For attracting Section 189(2) and 292 of BNS, 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, intimidation and nuisance caused by the petitioners. Mere assembly or expression of dissent, in the absence of criminal force, would not constitute an unlawful assembly.

14. 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.



CRL OP(MD). No.3435 of 2026

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15. 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.

16. 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.

17. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings in S.T.C.No.96 of 2025 on the file of the Judicial Magistrate Court No.II, Ramanathapuram, against the petitioner would amount to abuse of process of law.

18. Accordingly, this Criminal Original Petition is allowed, and the proceedings in S.T.C.No.96 of 2025 on the file of the Judicial Magistrate



CRL OP(MD). No.3435 of 2026

Court No.II, Ramanathapuram, arising out of Crime No.341 of 2024, are quashed, insofar as the petitioners are concerned. Consequently, the connected miscellaneous petitions are closed.

18.02.2026

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

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To

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



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CRL OP(MD). No.3435 of 2026

L. VICTORIA GOWRI,J

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ORDER
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