



CRL OP(MD). No.3620 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20/02/2026

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

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M.Alagar

... Petitioner

Vs

1.The State of Tamil Nadu,
rep., by the Inspector of Police,
Thilagarthidal Police Station,
Madurai City.
Crime No.21 of 2018

2.M.Sundarapandyan

... Respondents

PRAYER :-

To call for the records in respect of Crime No.21 of 2018 on the file of
the first respondent and quash the same.

For Petitioner : Mr.B.Senthilkumar
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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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 records in respect of Crime No.21 of 2018 on the file of the first respondent and to quash the same.

2. The case of the prosecution, as reflected in the FIR is that on 07.01.2018 at about 11.00 hours, the petitioner and others had unlawfully assembled at RMS road junction and raised slogans against TTV.Dhinakaran, thereby causing disturbance to the general public. Despite warnings issued by the respondent police, they did not abide the same. Hence, FIR in Crime No.21 of 2018 came to be registered for the offences under Sections 143 and 188 of IPC. Seeking quashment of the same this Criminal Original Petition is filed.

3. The petitioner contend that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any



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cognizable offence. The petitioner 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 petitioner submitted that the FIR does not contain any specific overt act attributable to the petitioner. The complaint does not disclose an unlawful assembly and the petitioner along with others, had gathered for a purposeful protest. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable. 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. .

5. It is further argued that the allegations made 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.



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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 143 and 188 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



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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.

9. The ingredients of Sections 143 and 188 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.



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12. In the result, the Criminal Original Petition is allowed. The impugned FIR in Crime No.21 of 2018 on the file of the first respondent police is quashed insofar as the petitioner is concerned.

20.02.2026

NCC : Yes/No

Index :Yes/No

Rmk

To

1.The Inspector of Police,
Thilagarthidal Police Station,
Madurai City.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

Rmk

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