



CrI.O.P(MD)No.3540 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P(MD)No.3540 of 2026
& CrI.M.P(MD)No.3820 of 2026

1.G.Sakthivel
2.B.Kishore
3.G.Rasu
4.P.Kumar
5.S.Saravanan
6.V.Karthikeyan
7.P.Karthik alias P.Karthiraj
8.N.Mangalam
9.S.Saminathan
10.M.Tamilarasan
11.S.Ragavan
12.K.Balaguru

... Petitioners

Vs.

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
(Crime No.182/2025)

...Respondent



Crl.O.P(MD)No.3540 of 2026

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in Crime No.182 of 2025 on the file of the respondent police and quash the same.

For Petitioners : Mr.M.Mithun

For Respondent : Mr.S.Ravi
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 quash the case in Crime No.182 of 2025 on the file of the respondent police.

Case of the Prosecution:

2. The case of the prosecution, as reflected in the First Information Report, is that on 07.12.2025, when the respondent and other police officials were on surveillance, they found that the accused



persons joined together and held a protest against the government to implement the order of this Court for lighting up deepam in Thiruparamkundram hill at Madurai, thereby caused disturbance and nuisance to the general public. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.182 of 2025 for the alleged offences under Sections 189(2), 292 & 293 of the Bharatiya Nyaya Sanhita, 2023.

Case of the Petitioner:

3. The petitioners are arrayed as the accused Nos. 1,2,9,10,12,14,19,31,35,39,42 & 60 in the impugned case.

4. According to the petitioners, the protest conducted by him and others was a peaceful black flag protest expressing dissent against the alleged illegal actions. 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.



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Grounds for quash:

5. The petitioners contend 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 petitioners. It is further contended that Section 223 of BNS is not attracted, as there is no material to show that such disobedience caused to danger to human life, health or safety, or to cause a riot or affray.

6. 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 petitioners, is politically motivated and amounts to abuse of the process of law.



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Submissions:

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

8. The learned Government Advocate (Criminal Side), on the other hand, submitted that the petitioners and others had assembled without permission, 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 Crime No.182 of 2025 on the file of the respondent police 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, and the materials placed on record. For attracting Section 189(2), 292 & 293 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.

12. 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.

13. 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.

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

15. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings in Crime No. 182 of 2025 on the file of the respondent police, against the petitioners would amount to abuse of process of law.



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16. Accordingly, this Criminal Original Petition is allowed, and the proceedings in Crime No.182 of 2025 on the file of the respondent police is quashed, insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition is closed.

19.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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- To
- 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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