



Crl.O.P(MD)No.4487 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.4487 of 2026

and

Crl.M.P(MD)Nos.4770 & 4773 of 2026

- 1.Ravi Arunan
- 2.Jameen
- 3.Parthiban
- 4.Ajeesh
- 5.Parthiban
- 6.Manikandan
- 7.Madasamy
- 8.Thirumurugan
- 9.Kajendran
- 10.Muthuraman
- 11.Azhagesan
- 12.Paramasivan
- 13.Murugan
- 14.Esakkiraja
- 15.Muthu
- 16.Venkatesaperumal
- 17.Ayyappan
- 18.Esakkimuthu
- 19.Lenin
- 20.Pragalanathan
- 21.Rengaraj
- 22.Narayanan
- 23.Vignesh



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- 24.Esakkiraja
- 25.Hariharabalan
- 26.Kalidas
- 27.Varatharajan
- 28.Raja
- 29.Muthuraman
- 30.Kathirvel
- 31.Sureshkumar
- 32.Murugan
- 33.Samy
- 34.Mathan
- 35.Suman
- 36.Vasu
- 37.Venkatesan
- 38.Suthakar
- 39.Nagaraj
- 40.Karthik
- 41.Vinithraj
- 42.Poosaiperumal
- 43.Natarajan
- 44.Manikkaraja
- 45.Subramaniyan
- 46.Ganesan
- 47.Charles
- 48.Esakkiselvan
- 49.Sounthararajan
- 50.Mariselvam
- 51.Satheesh
- 52.Vinoth
- 53.Ilayaraja
- 54.Praveen
- 55.Marirajan
- 56.Rammohan
- 57.Bakkiyaraj
- 58.Thirumalaikumar
- 59.Chinnasamy



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60.Iyappan

61.Veeramani

62.Shanmugavel

63.Kumar

64.Josaphrathinam

65.Thangakrishnan

66.Ajithkumar

67.Iyappan

... Petitioners/Accused Nos.1-32, 34-68

Vs.

1.The State of Tamil Nadu,
Rep.by the Sub Inspector of Police,
Puliyarai Police Station,
Puliyarai,
Tenkasi District.
(Crime No.15/2023)

... Respondent/Complainant

2.Sanjai Gandhi

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Criminal Case, which is pending in S.T.C.No.1462 of 2025 before the Judicial Magistrate Court, Sengottai, Tenkasi District and quash the same as illegal.

For petitioners : Mr.K.Ganesamoorthi

For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)



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ORDER

Seeking quashment of the Final Report in S.T.C.No. 1462 of 2025 on the file of the Judicial Magistrate Court, Sengottai, Tenkasi District this criminal original petition is filed.

2. Notice to the 2nd respondent is dispensed with, since no adverse order is passed against the 2nd respondent.

3. The case of the prosecution is that on 13.02.2023 at about 10:00 a.m., while the police were on routine patrol near the RTO Checkpost, they found the first accused along with 67 others assembled on the Kollam–Thirumangalam NH744 road without permission. The group allegedly attempted to block the road to stage a protest demanding regulation and prevention of mineral smuggling to Kerala, thereby causing or intending to cause public nuisance. The police arrested all the accused and registered a case in Crime No.15 of 2023 for the offences under Sections 143 and 290 of IPC.



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4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate Court, Sengottai, Tenkasi District and the same was taken on file as S.T.C.No.1462 of 2025 of 2020 for the offences under Sections 143 and 290 of IPC.

5. The learned counsel for the petitioners contend that the impugned final report suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the alleged protest was conducted peacefully and that peaceful expression of opinion 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.

6. The learned counsel for the petitioners submitted that the final report does not contain any specific overt act attributable to the petitioners. The final report does not whisper any material to show that



the petitioners indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public.

7. It is further argued that the allegations in the final report 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.

8. Per contra, the learned Government Advocate(Crl.side) on the other hand, submitted that the petitioners 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. Section 143 IPC requires a *prima facie* indication that the person was a member of an “unlawful assembly” as defined, i.e., an assembly with a common object falling within Section 141 IPC. In a protest-related FIR, merely stating that a group assembled, without particulars of common object vis-à-vis each accused, and without any material indicating participation beyond presence, is insufficient to fasten criminality on an individual.

11. Section 290 IPC relates to punishment for public nuisance where the nuisance is established. Even to proceed, there must be foundational allegations describing the nuisance and the petitioners' role in causing it. Such foundational particulars are absent as against the petitioners.

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

13. The ingredients of Sections 143 and 290 IPC are not made out in the final report. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present final report appears to have been registered mechanically and without application of mind.

14. In view of the authoritative pronouncements cited by the petitioners, and considering the facts of the present case, this Court finds that the continuation of the investigation against the petitioners would amount to abuse of process of law.

15. 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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16. In the result, the Criminal Original Petition is allowed. The final report in STC No.1462 of 2020 on the file of Learned Judicial Magistrate, Sengottai, Tenkasi District is quashed insofar as the petitioners are concerned. Consequently, the connected Miscellaneous Petitions are closed.

27.02.2026

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

dss

To

- 1.The Judicial Magistrate,
Sengottai, Tenkasi District.
- 2.The Sub Inspector of Police,
Puliyarai Police Station,
Puliyarai,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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