



Crl.O.P(MD)No.3638 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2026

CORAM

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

Crl.O.P(MD)No.3638 of 2026

and

Crl.M.P(MD)Nos.3908 & 3909 of 2026

1.John Vincent

2.M.Imam Hussain

3.Kanagavel

4.S.Thiagarajan

... Petitioners/A3,A4,A9 & A10

**Vs.**

1.The State of Tamil Nadu,  
Rep.by the Sub Inspector of Police,  
Vilakkuthoon Police Station,  
Madurai City,  
Madurai – 625 001.  
(Crime No.164/2023)

... Respondent/Complainant

2.Manimaran

... Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Final Report in S.T.C.No. 700 of 2025 pending before the Learned Judicial Magistrate No.1, Madurai in Crime No.164 of 2023 on the file of the Respondent No.1 and quash the same as illegal as against the petitioners alone.



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For Petitioners : Mrs.T.Seeni Syed Amma  
for M/s.Roy & Roy Associates  
For R1 : Mr.B.Thanga Aravindh  
Government Advocate(Crl.side)

**ORDER**

Seeking quashment of the Final Report in S.T.C.No.700 of 2025 pending before the Learned Judicial Magistrate No.1, Madurai this criminal original petition is filed.

2. Since no adverse order is passed against the 2<sup>nd</sup> respondent, notice to the 2<sup>nd</sup> respondent is dispensed with.

3. The prosecution case is that the petitioners and others organized and conducted a protest criticizing the Government's actions, particularly the detention of an advocate during an NIA investigation. Though permission was sought, it was denied and the protest was held without approval. Consequently, the respondent lodged a complaint and registered an FIR against the petitioners in Crime No.164 of 2023 for the offences under Sections 151, 283 and 291 IPC. Upon completion of



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investigation, a final report was filed before the learned Judicial Magistrate No.1, Madurai and the same was taken on file as S.T.C.No. 700 of 2025 for the above said offences.

4. 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.

5. 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.



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6. 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.

7. 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.

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

9. Section 151 IPC requires knowledge or intention of committing a cognizable offence, Section 283 IPC requires actual obstruction or danger caused to the public. None of these requirements are satisfied on a plain reading of the FIR.



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10. Section 291 IPC relates to a person who repeats or continues a public nuisance, having been lawfully enjoined by a public servant not to repeat or continue such nuisance. Such foundational particulars are absent as against the petitioners.

11. 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.

12. The ingredients of Sections 151, 283 and 291 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.



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13. 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.

14. 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.

15. In the result, the Criminal Original Petition is allowed. The Final Report in S.T.C.No.700 of 2025 on the file of the Learned Judicial Magistrate No.1, Madurai is quashed insofar as the petitioners are concerned. Consequently, connected Miscellaneous Petitions are closed.

**19.02.2026**

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

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- To
- 1.The Judicial Magistrate No.1,  
Madurai.
  - 2.The Sub Inspector of Police,  
Vilakkuthoon Police Station,  
Madurai City,  
Madurai – 625 001.
  - 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.**

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