



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2026

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

CrI.O.P.(MD).No.4211 of 2026

Rajeshkumar @ Rakesh Kumar

... Petitioner

Vs.

The State of Tamil Nadu
rep., by the Sub Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram.
Crime No.63 of 2023

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in S.T.C.No. 1576 of 2025 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, and quash the same as against the petitioner.

For petitioner : Mr.M.Sivashankar

For Respondents : Mr.S.Ravi

Additional Public Prosecutor

ORDER

The petitioner seeks for quashment of the impugned proceedings in S.T.C.No.1576 of 2025 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, in Crime No.63 of 2023 on the file of the respondent police.



2. The case of the prosecution, as reflected in the First Information Report is that the petitioner and other accused were protesting by unlawfully blocking the road without obtaining any prior permission from the respondent police, which was causing nuisance for the general public. On the basis of the complaint given by the defacto complainant, the respondent police registered a case in Crime No.63 of 2023 and the same has culminated in laying a charge sheet in STC.NO.1576 of 2025 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, for the alleged offences under Sections 143 and 341 of IPC.

3. The learned counsel for the petitioner contended that the impugned FIR suffers from fundamental illegality and does not disclose the commission of any cognizable offence and that the learned counsel for the petitioner submitted 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 further submitted that the FIR does not contain any specific overt act attributable to any of the petitioner. The complaint does not disclose an unlawful assembly. To attract 143 of IPC, there must be an unlawful assembly as defined under Section 141 IPC with a specific common object falling within the ambit of the said



provision. However, in the instant case, the prosecution merely alleged that the petitioner assembled and staged protest in front of Government Medical College Hospital, Ramanathapuram. There is no material to show that the offence under Section 143 of IPC is made out as against the petitioner.

5. Further the learned counsel for the petitioner submitted that (i) since no public was affected; (ii) no intention of causing danger to the public or (iii) obstruction to the public, the offence under Section 341 of IPC would not attract.

6. It is further argued that the allegations 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.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondent police submitted that based on the complaint received, the respondent police registered the FIR. According to him, the petitioner has an effective remedy of participating in the investigation rather than seeking quashing at this stage.

8. 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.



9. Articles 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.

10. The ingredients of Sections 143 & 341 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.

11. 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.

12. 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.



13. In the result, the Criminal Original Petition is allowed. The impugned proceedings in S.T.C.No.1576 of 2025 on the file of the learned Judicial Magistrate No.I, Ramanathapuram, in Crime No.63 of 2023 on the file of the respondent police is quashed insofar as the petitioner herein is concerned.

26.02.2026

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The Judicial Magistrate No.I, Ramanathapuram.

2.The Inspector of Police,

Ramanathapuram Town Police Station,

Ramanathapuram District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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