



CRL OP(MD). No.4472 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

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and

CRL MP(MD)Nos.4741 & 4743 of 2026

- 1.Sathish
- 2.Karthigaivel
- 3.Alaramani Alias Manikandan
- 4.Rajapandian
- 5.Ariyanathapandian
- 6.Ganesan
- 7.Vellaichamy
- 8.Chithuraman
- 9.Veerapthiaran
- 10.Anbuselvam

...Petitioners /
Accused No.1 to 10

Vs

- 1.The State represented by
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.8 of 2024)

... 1st Respondent /
Complainant

- 2.Mohan

... 2nd Respondent /
Defacto Complainant



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PRAYER :-

To call for the records pertaining to the Impugned Charge Sheet CrI.M.P.No.101 of 2025 pending on the file of the learned District Munsif cum Judicial Magistrate, Kariapatti, Virudhunagar District and Quash the same as illegal.

For Petitioners : Mr.P.Krishnasamy

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl Side)
for R.1

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 entire records relating to the impugned charge sheet in Cr.M.P.No.101 of 2025 pending on the file of the learned District Munsif Cum Judicial Magistrate, Kariapatti, Virudhunagar District and to quash the same as illegal.

2. The case of the prosecution, as reflected in the charge sheet is that on 14.04.2024 at about 11.00 hours, on the main road from



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Tiruchuzhi Mukku Road to Kallikudi, the petitioners 1 to 3 along with 40 men and 10 women totally 50 members conducted a procession without obtaining proper permission from the Election Commission with drum set flags and banners and violated the Rules of conduct. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.85 of 2024 for the alleged offences under Sections 143 and 188 of IPC. Later charge sheet has been filed in CrI.M.P.No.101 of 2025 for the offences under Section 143 of IPC before the learned District Munsif Cum Judicial Magistrate, Kariapatti, Virudhunagar District. 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 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.



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4. The learned counsel for the petitioner submitted that the FIR does not contain any specific overt act attributable to any of the petitioners. The complaint does not disclose an unlawful assembly, as the first petitioner is a social activist who had involved in various public welfare initiatives and the petitioner along with others, had gathered for a purposeful protest. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable.

5. It is further argued that the allegations in the charge sheet 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.

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.



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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 petitioners. 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 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 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 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.



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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.

12. In the result, the Criminal Original Petition is allowed. The FIR in Crime No.85 of 2024 on the file of the first respondent police is quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition are closed.

27.02.2026

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

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To
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- 1.The District Munsif cum Judicial Magistrate,
Kariapatti, Virudhunagar District.
- 2.The Inspector of Police, Kariapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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