



CRL OP(MD). No.4109 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.4109 of 2026

and

CRL MP(MD)No.4440 of 2026

- 1.T.Sudalaimani
- 2.G.Manimurugan
- 3.P.Muniasamy
- 4.A.Sudalaimani
- 5.A.Chelladurai
- 6.C.Suresh Aravindh @ Aravind
- 7.P.Sudalai
- 8.S.Murugan
- 9.M.Sudalaimani
- 10.S.Chinnadurai
- 11.P.Malaiyazhagu @ Thangamani
- 12.Murugan
- 13.A.Chollamuthu @ Sudalaimuthu

...Petitioners /
Accused No.1 to 13

Vs

- 1.The State represented by
The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.
(Crime No.42 of 2024)

... 1st Respondent /
Complainant



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2.Sathiyabama

... 2nd Respondent /
Defacto Complainant

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PRAYER :-

To call for the records in S.T.C.No.1112 of 2025 on the file of the learned District Munsif Cum Judicial Magistrate, Ottapidaram, Thoothukudi District and Quash the same as against the petitioners as illegal.

For Petitioners : Mr.K.Karansingh

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R.1

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 call for the entire records relating to S.T.C.No.1112 of 2025 pending on the file of the learned Judicial District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District and to quash the same as illegal.



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2. The case of the prosecution, as reflected in the First Information Report and the final report, is that on 16.11.2024, when the 1st respondent police was in patrol duty, many people illegally gathered together and blocked sit-in protest at the main road in the Alanta Village at Chavalapperi junction, Thoothukudi, against the illegal operation of the stone quarry at the village. They gathered illegally in a public place without prior permission or license and removed the placard and caused obstructing the traffic and the public and caused public nuisance. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.42 of 2024 for the alleged offences under Sections 341, 143 of IPC.

4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate, Ottapidaram, Thoothukudi District, and the same was taken on file as S.T.C.No.1112 of 2025.



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Case of the Petitioners:

5. The petitioners are arrayed as A1 to A13 in the impugned case.

The petitioners submit that most of the petitioners are degree holders and most of the petitioners studied the TNPSC competitive examinations and there is no specific overt act against the petitioners.

6. According to the petitioner, the protest conducted by them and others was a peaceful protest expressing dissent against the alleged illegal actions of the authorities. 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.

Grounds for quash:

7. The petitioner contends 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



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criminal liability. It is further contended that Section 126(2) of BNS is not attracted, as there is no material to show obstruction, danger, or wrongful restraint on a public way, nor is there any injunction or lawful order issued by a public servant prohibiting the alleged protest.

8. 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 petitioner, is politically motivated and amounts to abuse of the process of law.

Submissions:

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



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10. The learned Additional Public Prosecutor, on the other hand, submitted that the petitioner and others 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.

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

12. *Point for Consideration:*

Whether the continuation of proceedings in S.T.C.No.1112 of 2025 against the petitioners would amount to abuse of process of law, warranting interference under the inherent jurisdiction of this Court?

Analysis:

13. This Court has carefully perused the FIR, the final report, and the materials placed on record. A reading of the prosecution records reveals that the allegations primarily relate to a peaceful protest



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expressing dissent against the functioning of a stone quarry in their village.

14. For attracting Section 189(2) 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, or intimidation. Mere assembly or expression of dissent, in the absence of criminal force, would not constitute an unlawful assembly.

15. Similarly, Section 126(2) of BNS requires proof of obstruction or danger caused on a public way. Except for a bald allegation made by the complainant police official, there is no material to show actual obstruction, inconvenience, or danger to the public. No independent witness or member of the public has complained about the alleged protest.

16. Peaceful protest and expression of dissent are integral to a democratic polity and are protected under Article 19(1)(a) of the



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Constitution of India, subject to reasonable restrictions. Criminal prosecution cannot be used as a tool to suppress lawful dissent.

17. 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.

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

19. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings in S.T.C.No.1112 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District, against the petitioners would amount to abuse of process of law.



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20. Accordingly, this Criminal Original Petition is allowed, and the proceedings in S.T.C.No.1112 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District, arising out of Crime No.42 of 2024, are quashed, insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

25.02.2026

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

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To

- 1.The District Munsif Cum Judicial Magistrate,
Ottapidaram,
Thoothukudi District.
- 2.The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi 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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ORDER
IN
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Date : 25/02/2026