



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2026

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

Crl.O.P.(MD).No.4207 of 2026
and Crl.M.P(MD).Nos.4511 and 4512 of 2026

1.Mariaarputham @ Maria Arputham
2.Asarutheen @ Azarudheen
3.Ansar @ S.Ansar
4.Sheikmydeen @ shaik Mytheen
5.Riswan @ Mohamed Rizwan

... petitioners

Vs.

1.The State of Tamil Nadu
rep., by the Inspector of Police,
Bhoothapandy Police Station,
Kanyakumari District.
Crime No.106 of 2022

2.Josephraj T

... Respondents

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. 592 of 2022 on the file of the learned Judicial Magistrate, Bhoothapandy, Kanyakumari District and quash the same as illegal as far as the petitioners are concerned.

For petitioners : Mr.G.Sujeeth

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (Crl.side)

ORDER

The petitioners seek for quashment of the impugned proceedings in S.T.C.No.592 of 2022 on the file of the learned Judicial Magistrate,



Bhoothapandy, Kanyakumari District, in Crime No.106 of 2022 on the file of the first respondent police.

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2. The case of the prosecution, as reflected in the First Information Report is that the petitioners 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 second respondent, the first respondent police registered a case in Crime No.106 of 2022 and the same has culminated in laying a charge sheet in STC.NO.592 of 2022 on the file of the learned Judicial Magistrate, Bhoothapandy, Kanyakumari District, for the alleged offences under Sections 143 and 341 of IPC.

3. The learned counsel for the petitioners 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 petitioners 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 petitioners further 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. 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 petitioners 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 petitioners.

5. Further the learned counsel for the petitioners 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 petitioners have 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 petitioners. 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 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.



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.592 of 2022 on the file of the learned Judicial Magistrate, Bhoothapandy, Kanyakumari District, in Crime No.106 of 2022 on the file of the first respondent police is quashed insofar as the petitioners herein are concerned. Consequently, connected Miscellaneous Petitions are closed.

26.02.2026

NCC : Yes / No
Index : Yes / No
Rmk

To

1.The Judicial Magistrate, Bhoothapandy, Kanyakumari District

2.The Inspector of Police,

Bhoothapandy Police Station,

Kanyakumari 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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