



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.4361 of 2026
and CrI.M.P(MD).Nos.4664 and 4665 of 2026

1.Beer Masthan @ Peer Masthan
2.Sulaiman
3.Mohammed Jenil @ Mohamed Jalil
4.Jannath

... petitioners

Vs.

1.The State of Tamil Nadu
rep., by the Inspector of Police,
Ambasamudram Police Station,
Tirunelveli.
Crime No.231 of 2024

2.Methaji Chidambaram

... 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. 434 of 2025 on the file of the learned Judicial Magistrate, Ambasamudram and quash the same as illegal as far as the petitioners are concerned.

For petitioners : Mr.K.Navaneetharaja

For Respondents : Mr.B.Thanga Aravindh

Government Advocate (CrI.side)

ORDER

The petitioners seek for quashment of the impugned proceedings in S.T.C.No.434 of 2025 on the file of the learned Judicial Magistrate, Ambasamudram, in Crime No.231 of 2024 on the file of the first respondent police.



2. The case of the prosecution, as reflected in the First Information Report is that the petitioners and other accused were protesting by unlawful assemble thereby caused nuisance to the general public. On the basis of the complaint given by the second respondent, the first respondent police registered a case in Crime No.231 of 2024 and the same has culminated in laying a charge sheet in STC.NO.434 of 2025 on the file of the learned Judicial Magistrate, Ambasamudram, for the alleged offences under Sections 143 and 290 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. Section 290 of IPC is not made out as against the petitioners, since there is no material to show that the petitioners caused common injury, danger, or annoyance to the public.

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 Government Advocate (Crl.side) 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 & 290 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.434 of 2025 on the file of the learned Judicial Magistrate, Ambasamudram, in Crime No.231 of 2024 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, Ambasamudram.

2.The Inspector of Police,

Ambasamudram Police Station,

Tirunelveli.

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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