



CRL OP(MD). No.5290 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.5290 of 2025

and

CRL MP(MD). No.3817 of 2025

K. Kan Ilango

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No. 541 of 2022).

2. Karmegam
The Sub-Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.

... Respondents

PRAYER :-

To call for the records pertaining to the Impugned First Information Report in Crime No. 541 of 2022 dated 06.08.2022 on the file of the Respondent No.1 registered U/s. 143, 283 of IPC and quash the same as illegal.



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For Petitioner : Mr. T.Thirumurugan,
Advocate.

For Respondent : Mr.S.Ravi for R1
Additional Public Prosecutor

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 in Crime No. 541 of 2022 dated 06.08.2022 and to quash the same as illegal.

2. The case of the prosecution, as reflected in the First Information Report, is that on 06.08.2022, when the second respondent had involved in a routine vehicle checkup along with other police officials, they found the petitioner and others involved in a unlawful assembly in the backside of Amma Unavagam at new Bus stand, Ramanathapuram and conducted demonstration to close the TASMACH, which is situated near bus stand, Corporation Girls Higher Secondary School and NH-Orthocare Hospital.



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On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.541 of 2022 for the alleged offences under Sections 143 and 283 of IPC.

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.

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.



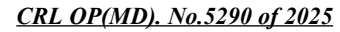
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5. Further the learned counsel for the petitioner submitted that (i) since no public was affected ; (ii) no intention of causing danger to the public or (iii) obstruction to the public, the offence under Section 283 of IPC would not attract.

6. 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.

7. 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.



10. The ingredients of Sections 143 and 283 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



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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 FIR in Crime No.541 of 2022 on the file of the first respondent police is quashed insofar as the petitioner is concerned. Consequently, the connected miscellaneous petition is closed.

07.01.2026

NCC : yes / no
Index : yes / no
Internet : yes /no
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2. The Sub-Inspector of Police, Kenikarai Police Station,
Ramanathapuram 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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