



Crl.O.P(MD)No.5698 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.5698 of 2025

and

Crl.M.P(MD)No.4151 of 2025

- 1.Marimuthu
- 2.Sathish @ Sathishkumar
- 3.Vinothraj
- 4.Palpandi
- 5.Natrayan
- 6.Ranjithkumar
- 7.Senthilkumar
- 8.R.P.Raja
- 9.Manikandan
- 10.Balaji

... Petitioners/A1- A10

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Crime No.86/2025)

... Respondent/Complainant

- 2.Arun Narayanan

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the FIR in Crime No.86 of 2025



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on the file of the 1st respondent police and quash the same as illegal this petitioner concerned.

For Petitioners : Mr.P.Manikandan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate(crl.side)

ORDER

Seeking quashment of the F.I.R in Crime No.86 of 2025 on the file of the 1st respondent police, this criminal original petition is filed.

2. The case of the prosecution is that on 07.03.2025 at about 1.00 p.m., while on patrol duty, the Sub-Inspector (defacto complainant) found that the petitioners (A1 to A10), members of Hindu Munnani, had assembled near Vendasandur Athumedu Dolphin Hotel. They allegedly attempted to install a statue of Abirami Amman at Dindigul Fort, blocked the road causing traffic congestion, and raised slogans that created fear and disturbed public peace. Based on this allegation, a case was registered in Crime No.86 of 2025 for offences under Sections 191(2), 126(2), 196(2) and 132 of the BNS, 2023 corresponding to



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Sections 147, 341, 153A and 353 IPC on the file of the 1st respondent police station.

3. The learned counsel for the petitioners contend that the impugned F.I.R suffers from fundamental illegality and does not disclose the commission of any cognizable offence. The petitioners submit that the alleged protest was conducted peacefully and that peaceful expression of opinion 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 submitted that the F.I.R does not contain any specific overt act attributable to the petitioners. The F.I.R does not whisper any material to show that the petitioners indulged in violence, caused disturbance, annoyance or obstruction to any public authority or to the general public.



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5. It is further argued that the allegations in the F.I.R 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(Crl.side) on the other hand, submitted that the petitioners 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.

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

8. Section 147 IPC deals with punishment for rioting. In the instant case, the petitioner has not involved in riot. Therefore, the offence under Section 147 IPC is not made out.



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9. Section 341 IPC contemplates “wrongful restraint”, which must be shown by allegations indicating that the accused voluntarily obstructed a person so as to prevent that person from proceeding in any direction in which that person had a right to proceed. The FIR in the present case does not identify the person restrained by the petitioner, the place of restraint, or the act of restraint attributable to him.

10. Section 153A IPC provides for the offence of promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and for acts prejudicial to the maintenance of harmony. The F.I.R discloses none.

11. Section 353 IPC, which deals whoever assaults or uses criminal force to any person being a public servant in the execution of his duty. The final report discloses none.

12. Article 19(1)(a) and 19(1)(b) of the Constitution guarantee freedom of speech and expression, and the right to peaceful assembly



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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.

13. The ingredients of Sections 147, 341, 196(2) and 132 IPC are not made out in the F.I.R. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present F.I.R appears to have been registered mechanically and without application of mind.

14. 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.



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15. 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.

16. In the result, the Criminal Original Petition is allowed. The F.I.R in Crime No.86 of 2025 on the file of the respondent police is quashed insofar as the petitioners are concerned. Consequently, connected Miscellaneous Petition is closed.

27.02.2026

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

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To

- 1.The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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