



Crl.OP(MD)No.5303 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.5303 of 2024

and

Crl.M.P.(MD)No.4145 of 2024

Arif Batsha @ Arief Batcha

.. Petitioner/Accused No.

Vs.

1.The Sub Inspector of Police,
Melapalayam Police Station,
Tirunelveli,
TamilNadu - 627 005.
(Crime no.473/2023)

2.Annantha Ramakrishnan

.... Respondent / complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Cr.No.473/2023 on the file of the respondent police and quash the same as against the petitioners.

For Petitioner : Mr.A.Raja Mohamed

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 : No appearance



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ORDER

Preface:

The inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) is intended to prevent abuse of the process of law and to secure the ends of justice.

2. The power is extraordinary and must be exercised sparingly. At the same time, when the uncontroverted allegations, even if taken at their face value, do not disclose the ingredients of the offences alleged, and when the prosecution, as against the petitioner, rests on vague and omnibus allegations bereft of particulars, this Court is not powerless to interdict such proceedings at the threshold.

3. This Criminal Original Petition is filed to quash the First Information Report in Crime No.473 of 2023 dated 23.07.2023 on the file of the respondent police, insofar as the petitioner is concerned, registered for the alleged offences punishable under Sections 143, 290 and 341 of IPC, 1860 and Section 41(6)(a) of the Tamil Nadu City Police Act, 1888.



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Factual Matrix:

4. The prosecution case, in substance, is that an alleged protest/demonstration was conducted in the aftermath of a search stated to have been conducted by an NIA officer in relation to a person said to be connected with SDPI, namely one Mubaraq, District Secretary, and that the protest was allegedly directed against the officials.

5. In the said occurrence, the petitioner has been arrayed along with several others. It is represented that a total of 51 persons have been shown as accused. The petitioner asserts that he is a practising advocate, that he is handling cases pertaining to members of the concerned political organisation, and that he went to the spot only for the purpose of rendering legal assistance and according to him, he did not participate in any unlawful assembly or obstruction and has been falsely implicated. This Court, on an earlier date, granted an interim order of stay on 05.04.2024.



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Case of the prosecution:

6. The FIR alleges, in broad terms, that the accused formed an unlawful assembly, engaged in conduct attracting public nuisance, and caused obstruction to passers-by/traffic/public movement, besides allegedly contravening the relevant provision of the Tamil Nadu City Police Act, 1888. The FIR, insofar as the petitioner is concerned, does not disclose any specific overt act attributed to him apart from his alleged presence in the protest.

Grounds urged for quash:

7. The petitioner, through learned counsel, contends as follows:

The petitioner did not participate in the protest and no overt act is attributed to him. The FIR contains omnibus allegations against a large group (51 accused) without particulars as to the petitioner's role, words, acts, or conduct. Mere presence at or near the place of occurrence, particularly in the capacity of a practising advocate extending legal assistance, cannot constitute the ingredients of offences under Sections 143, 290 or 341 IPC.



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Continuation of the investigation/prosecution against the petitioner would be an abuse of process.

Submissions:

8. The learned Additional Public Prosecutor opposes the petition and submits, in sum and substance, that the protest was not a welfare protest, and it was directed against officials in connection with an NIA-related search. The matter concerns public order and public welfare, therefore, the FIR should not be quashed at the threshold. An interim stay was granted earlier, however, the petitioner must face investigation as the incident pertains to obstruction and protest against officials.

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

Point for determination:

10. The point that arises for consideration is whether the FIR in Crime No.473 of 2023 dated 23.07.2023, insofar as the petitioner is concerned, discloses the essential ingredients of the offences



alleged, warranting continuation of criminal proceedings, or whether it deserves to be quashed in exercise of inherent jurisdiction?

Analysis:

11. This Court has carefully considered the rival submissions and perused the materials placed, particularly the FIR. It is settled that, at the stage of a petition for quashment of an FIR, the Court does not conduct a meticulous appreciation of evidence. Yet, the Court is duty-bound to examine whether the allegations, taken at face value, constitute the offences alleged, and whether the proceedings, as against the petitioner, are founded on specific and legally sustainable allegations.

12. In the case on hand, the petitioner stands implicated in an FIR arising out of a protest/demonstration, in which a large number of persons are arrayed as accused. The allegations in the FIR, insofar as they pertain to the petitioner, are general and omnibus. There is no narration of the particular role played by the petitioner, any specific act of obstruction committed by him, the manner in which he allegedly restrained any person so as to attract Section 341 IPC,



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any particular conduct attributable to him that would constitute public nuisance under Section 290 IPC, or any specific act of the petitioner constituting contravention under the Tamil Nadu City Police Act provision invoked.

13. Section 143 IPC requires a *prima facie* indication that the person was a member of an “unlawful assembly” as defined, i.e., an assembly with a common object falling within Section 141 IPC. In a protest-related FIR, merely stating that a group assembled, without particulars of common object vis-à-vis each accused, and without any material indicating participation beyond presence, is insufficient to fasten criminality on an individual.

14. 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.



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15. Section 290 IPC relates to punishment for public nuisance where the nuisance is established. Even to proceed, there must be foundational allegations describing the nuisance and the petitioner's role in causing it. Such foundational particulars are absent as against the petitioner.

16. The petitioner's specific plea is that he is a practising advocate and that he went to the location to provide legal assistance to persons connected with the concerned organisation. This Court makes it clear that being an advocate does not confer immunity from criminal law. However, where the FIR does not attribute specific unlawful acts to the petitioner, and the implication is based on broad-brush allegations in a mass-arrayed FIR, the Court cannot permit the criminal process to be used as a dragnet.

17. The learned Additional Public Prosecutor emphasised that the protest was against officials and hence not a "valid" protest. Whether the protest was justified or unjustified is not the determinative factor for the case in hand. The determinative factor is whether the FIR discloses, as against this petitioner, the necessary



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ingredients of the offences alleged. On that ground, the FIR, as against the petitioner, is conspicuously wanting in particulars.

18. This Court is of the considered view that permitting the investigation/prosecution to continue against the petitioner on such vague allegations would result in avoidable harassment and would amount to an abuse of the process of law. At the same time, this order is confined to the petitioner. The investigation, if otherwise sustainable in law, may proceed as against other accused, uninfluenced by the observations herein, which are confined to the limited question of quashment in respect of the petitioner.

19. The criminal law is a potent instrument for maintaining public order and ensuring accountability. Equally, it must not be permitted to operate as a blunt tool to indiscriminately implicate individuals without specific allegations that satisfy the basic ingredients of the offences alleged. When a citizen is drawn into a criminal case by way of vague and omnibus allegations, the constitutional promise of fairness and the rule of law require judicial correction at the earliest stage.



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20. In the result, this Criminal Original Petition is allowed.

21. The FIR in Crime No.473 of 2023 dated 23.07.2023 on the file of the respondent police is quashed insofar as the petitioner is concerned. The interim order granted on 05.04.2024 stands merged with this final order. It is made clear that the investigation/proceedings, if any, shall continue as against the other accused, in accordance with law, and the same shall be proceeded with on its own merits. Consequently, connected miscellaneous petition is closed.

02.01.2026

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



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To

- 1.The Sub Inspector of Police,
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TamilNadu - 627 005.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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