



CrI.O.P.(MD)No.8217 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.01.2026**

CORAM:

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

CrI.O.P.(MD)No.8217 of 2025

and

CrI.M.P.(MD)No.6242 of 2025

1.Mohamed Sulaiman

2.Abdul Rahman

... Petitioners

Vs.

The State of Tamil Nadu,

1. The Inspector of Police,
Mandapam South Police Station,
Ramanathapuram District.

Crime No.190 of 2022

2. Kottaisamy

... Respondents

PRAYER : Petition filed under Section 528 of BNSS, 2023 to call for the records pertaining to Crime No. 190 of 2022 dated 22.09.2022 on the file of the Inspector of Police, Mandabam Police Station, Ramanathapuram District and quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.K.Yasar Arafath

For Respondents : Mr.S.Ravi (R1)

Additional Public Prosecutor

No appearance (R2)



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ORDER

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The petitioners seek for quash of the FIR in Crime No.190 of 2022, dated 22.09.2022 on the file of the first respondent.

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 respondent police registered a case in Crime No.190 of 2022 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.



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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. The petitioners are the social workers and the FIR has been registered on 22.09.2022 and till now it has not been sent to Judicial Magistrate for further process. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable.

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



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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.



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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 FIR in Crime No.190 of 2022 on the file of the first respondent police is quashed insofar as the petitioners herein are concerned. Consequently, the connected miscellaneous petition is closed.

20.01.2026

NCC : Yes / No
Index : Yes / No
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L.VICTORIA GOWRI, J.

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TO:-

1. The Inspector of Police,
Mandapam South Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.8217 of 2025

Dated
20.01.2026