



CrI.O.P(MD)No.9335 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P(MD)No.9335 of 2025

and

CrI.M.P(MD)Nos.6792 of 2025

1.Mohamed Abbas @ Mohamed Ayyash

2.Riyas Ahamed

3.Mohamed Asarudeen

... Petitioners/A18, 21 & 33

Vs.

1.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
(Crime No.1217/2022)

... 1st Respondent/Complainant

2.Sugumran

The Inspector of Police,
Gandhi Market Police Station,
Trichy City.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in FIR connection with Crime No.1217 of 2022 on the file of the first respondent Police and quash the same in so far as above petitioners are concerned.



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For Petitioner : Mr.K.M.Karunakaran
For R1 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking quashment of FIR in Crime No.1217 of 2022 on the file of the first respondent Police registered for the offences punishable under Sections 143, 341, 290, 291 of IPC, this criminal original petition is filed.

2. Notice to the 2nd respondent is dispensed with, since no adverse order is passed against the 2nd respondent.

3. The case of the prosecution is that on 28.09.2022, the petitioners and 66 others belonging to the Jananayaga Sakthi and Social Welfare Group in the district of Trichy, were on protest against the PFI, causing trouble 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.1217 of 2022 for the offences punishable under Sections 143, 341, 290, 291 of IPC.



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4. The learned counsel for the petitioners contend that the impugned FIR sheet 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.

5. The learned counsel for the petitioners submitted that the FIR does not contain any specific overt act attributable to any of the petitioners. The complaint 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.

6. It is further argued that the allegations in the FIR are vague, sweeping and intended only to portray a peaceful assembly as illegal.



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Criminal law cannot be invoked to curtail peaceful expression, which is the bedrock of democratic governance.

7. Per contra, the learned Additional Public Prosecutor, on the other hand, submitted that the petitioners and others 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.

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

9. 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



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material indicating participation beyond presence, is insufficient to fasten criminality on an individual.

10. 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 petitioners, the place of restraint, or the act of restraint attributable to them.

11. Section 290 IPC relates to punishment for public nuisance where the nuisance is established and Section 291 of IPC deals with the continuation of public nuisance after a public servant with authority orders them to discontinue the same. Even to proceed, there must be foundational allegations describing the nuisance and the petitioners' role in causing it. Such foundational particulars are absent as against the petitioners.



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12. Article 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.

13. The ingredients of Sections 143, 290, 291 and 341 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.

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 FIR in Crime No.1217 of 2022 on the file of the first respondent Police is quashed insofar as the petitioners are concerned. Consequently, the connected Miscellaneous Petitions are closed.

02.01.2026

NCC : Yes
Index : Yes
Internet : Yes

Indu

To

- 1.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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