



CRL OP(MD). No.546 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 09/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.546 of 2025
and
CRL MP(MD)Nos.350 & 351 of 2025

1.Selvakumar
2.Sangar
3.Mohanraj
4.Gopal
5.Danasekaran
6.Danapaul
7.Ravichandran
8.Milakaipodi Raja
9.Subramanian
10.Dhinakara Suriyan
11.Arumugam

... Petitioners /
Accused No.1 to 11

Vs

1.The State represented by
The Inspector of Police,
Town West Police Station,
Dindigul District.

... 1st Respondent /
Complainant

2.Suresh

... 2nd Respondent /
Defacto Complainant



CRL OP(MD). No.546 of 2025

PRAYER :-

To call for the records pertaining to C.C No.03 of 2018 on the file of the Judicial Magistrate Court No.I, Dindigul for alleged offences under section 143 and 188 of IPC, and quash the same as so far as the petitioners are concerned.

For Petitioners : Mr.A.Aruljenifer

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (CrI Side)
for R.1

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 the impugned charge sheet in C.C.03 of 2018 pending on the file of the learned Judicial Magistrate No.I, Dindigul and to quash the same as illegal.

2. The case of the prosecution, as reflected in the charge sheet is that on 11.03.2017, 11 members of various political parties gathered near Govindhapuram Murugan Temple and protested without getting prior



CRL OP(MD), No.546 of 2025

permission as against the Government Ration Shop with regard to distribution of ration. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.47 of 2017 for the alleged offences under Sections 143 and 188 of IPC. After completion of investigation, charge sheet has been filed in C.C.No.03 of 2018 for the offences under Section 143 and 188 of IPC before the learned Judicial Magistrate No.I, Dindigul. Seeking quashment of the same this Criminal Original Petition is filed.

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



CRL OP(MD), No.546 of 2025

petitioners. The complaint does not disclose an unlawful assembly and the petitioners along with others, had gathered for a purposeful protest. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable. He further submitted that insofar as Section 188 of IPC, there is no proof to show that any disobedience causes or risks causing obstruction, annoyance, injury, riot, or danger to human life, health, or safety.

5. 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.

6. 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.



CRL OP(MD), No.546 of 2025

7. 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. For a simple offence, the petitioner was charged for serious offences under Sections 143 and 188 of IPC.

8. 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.

9. The ingredients of Sections 143 and 188 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.



CRL OP(MD), No.546 of 2025

10. 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.

11. 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.

12. In the result, the Criminal Original Petition is allowed. The charge sheet in C.C No.03 of 2018 on the file of the Judicial Magistrate Court No.I, Dindigul, is quashed insofar as the petitioners are concerned. Consequently, the connected miscellaneous petition are closed.

09.02.2026

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

pnn



CRL OP(MD). No.546 of 2025

To

WEB COPY

- 1.The Judicial Magistrate Court No.I,
Dindigul.
2. The Inspector of Police,
Town West Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL OP(MD), No.546 of 2025

L. VICTORIA GOWRI,J

pnn

ORDER
IN
CRL OP(MD) No.546 of 2025

Date : 09/02/2026