



Crl.O.P(MD)No.14975 of 2025

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.14975 of 2025

and

Crl.M.P(MD) Nos.12143 and 12145 of 2025

1.Dhanasekaran

2.Ramadoss

3.Paramasivam

4.Pavunraj

5.Darmu Sekar @ Rajasekar

6.Rajasekar

...Petitioners

Vs.

1.The Inspector of Police,
Cantonment Police Station,
Trichy City.
(Crime No.490 of 2018)

...1st Respondent/Complainant

2.Ramesh
The Sub-Inspector of Police,
Cantonment Police Station,
Trichy City.

... 2nd Respondent/Defacto Complainant



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the proceedings in C.C.No. 1127 of 2019 on the file of the learned Judicial Magistrate Court No.II, Trichy and quash the same in so far as above petitioners are concerned.

For Petitioner : Mr.K.M.Karunakaran
For R1 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

Seeking quashment of final report in C.C.No.1127 of 2019 on the file of the Judicial Magistrate Court No.II, Trichy, filed for the offences punishable under Sections 143, 290 of IPC and Section 41 of TN City Police Act, 1888, 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 20.03.2018 at about 12.30 p.m, one Anbalagan and 109 others have gathered in Trichy Central Bus Stand, Periyar Statute, as a group and had indulged in



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protest against the arrest of the leader of a political party, disturbing the general public and interrupting the traffic. On the basis of the complaint given by the second respondent, the first respondent Police registered a case in Crime No.490 of 2018 for the alleged offences under Sections 143, 290 of IPC and Section 41 of TN City Police Act.

4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.II, Trichy and the same was taken on file as C.C.No.1127 of 2019 for the offences under Sections 143, 290 of IPC and Section 41 of TN City Police Act.

5. The learned counsel for the petitioners contend that the impugned charge 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.

6. 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. Therefore, the essential ingredients of Sections 143 of IPC is not maintainable.

7. 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.

8. Per contra, the learned Government Advocate (Criminal Side), on the other hand, submitted that the petitioner and others had assembled without permission and caused inconvenience, and therefore,



the prosecution is justified. It was contended that the truthfulness of the allegations can be tested only during trial.

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

10. 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.

11. 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 petitioners'



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role in causing it. Such foundational particulars are absent as against the petitioners.

12. Further, there is nothing to suggest the commission of an offence under Section 41 of the Chennai City Police Act, 1888. Even otherwise, the alleged acts caused only slight harm and it is a non cognizable offence, no useful purpose would be served by continuing the prosecution.

13. 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.



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14. The ingredients of Sections 143, 290 IPC and Section 41 of the Chennai City Police Act, 1888 are not made out in the final report. Criminal law cannot be invoked on vague and omnibus allegations, particularly when the allegations seek to criminalise peaceful expression. The present final report appears to have been filed mechanically and without application of mind.

15. 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 trial against the petitioners would amount to abuse of process of law.

16. 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.

17. In the result, the Criminal Original Petition is allowed. The final report in C.C.No.1127 of 2019 on the file of the learned Judicial



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Magistrate Court No.II, Trichy in Crime No.490 of 2018 on the file of the 1st 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,
Cantonment 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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