



CRL OP(MD). No.23774 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/01/2026

CORAM

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.23774 of 2025

and

CRL MP(MD)Nos.20626 and 20629 of 2025

1. Rajapandiyan
2. Alagupandi,
3. Raja
4. Seenivasakan
5. Ramanathan
6. Pandi
7. Selvakumar
8. Prabakaran
9. Ramasamy
10. Ilavarasan
11. Karthikraja
12. Veerapathiran
13. Vellaichamy
14. Seemaichamy
15. Vijayaragunathan
16. Arumugam
17. Seenivasan

1/10



CRL OP(MD). No.23774 of 2025

18. Govindaraj
19. Kartheeswari
20. Jeevarathinam
21. Ramalingam
22. Pandi
23. Kamalakannan
24. Sundaramoorthy
25. Murugapandi
26. Ganesan
27. Tamilmani
28. Janarthanan
29. Boominathan
30. Dhanaraj
31. Vigneshpandi
32. Arumugam
33. Balamurugan
34. Murugan
35. Sakkaiah
36. Vellaichamy
37. Muthu
38. Veluthevar
39. Balamurugan
40. Muthirulan
41. Arumugam



CRL OP(MD). No.23774 of 2025

42. Gothandam

43. Palchamy

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep.By the Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
In Crime No.82 of 2025).

2. A.Suresh,
S/o.Not Known
Sub Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

... Respondents

PRAYER :-

To Call for the records pertaining to the Impugned Charge Sheet in
STC No.466/2025 on the file of the Learned District Munsif Cum
Judicial Magistrate Court, Kariapatti and quash the same and to allow
this petition.

For Petitioner : Mr. A.Karthigaivel,
Advocate.

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



CRL OP(MD). No.23774 of 2025

ORDER

This petition is filed seeking to quash the Charge Sheet in STC No. 466/2025 on the file of the Learned District Munsif Cum Judicial Magistrate Court, Kariapatti.

The brief facts leading to the filing of this petition are as follows:

2. The FIR was registered on 17.03.2025 alleging that on the same day, at about 05.00 p.m., the petitioners and other accused persons held a demonstration without prior permission, against the arrest of a State Leader of a political party near the Kariyapatti Bus Stand. On the basis of the complaint given by a police official, the respondent police registered a case in Crime No.82 of 2025 for the alleged offences under Sections 189(2) and 126(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Upon completion of investigation, a final report was filed before the learned District Munsif cum Judicial Magistrate, Kariapatti, and the same was taken on file as S.T.C.No.466 of 2025.



CRL OP(MD). No.23774 of 2025

4. 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.

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. Therefore, the essential ingredients of Sections 189(2) and 126(2) of BNS, 2023, are not disclosed.

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



CRL OP(MD). No.23774 of 2025

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

7. Per contra, the learned Government Advocate (Criminal Side), on the other hand, submitted that the petitioner 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.

Point for Consideration:

9. Whether the continuation of proceedings in S.T.C.No.466 of 2025 against the petitioners would amount to abuse of process of law, warranting interference under the inherent jurisdiction of this Court?

Analysis:

10. This Court has carefully perused the FIR, the final report, and the materials placed on record. A reading of the prosecution records



CRL OP(MD), No.23774 of 2025

reveals that the allegations primarily relate to a peaceful protest expressing dissent against the arrest of the political leader.

11. For attracting Section 189(2) of BNS, the prosecution must *prima facie* establish the existence of an unlawful assembly with a common object involving criminal force or violence. The FIR itself does not disclose any act of violence, force, or intimidation. Mere assembly or expression of dissent, in the absence of criminal force, would not constitute an unlawful assembly.

12. Similarly, Section 126(2) of BNS requires proof of obstruction or danger caused on a public way. Except for a bald allegation made by the complainant police official, there is no material to show actual obstruction, inconvenience, or danger to the public. No independent witness or member of the public has complained about the alleged protest.

13. Peaceful protest and expression of dissent are integral to a democratic polity and are protected under Article 19(1)(a) of the



CRL OP(MD), No.23774 of 2025

Constitution of India, subject to reasonable restrictions. Criminal prosecution cannot be used as a tool to suppress lawful dissent.

14. This Court is conscious of the settled principle that when the uncontroverted allegations do not disclose the commission of any offence and when the continuation of proceedings would only result in harassment of the accused, the inherent jurisdiction of this Court can and ought to be exercised to prevent abuse of process of law.

15. In the present case, the materials on record do not disclose a *prima facie* case against the petitioner. The prosecution appears to be inherently improbable and unsupported by legally acceptable evidence.

16. In view of the above discussion, this Court is of the considered opinion that the continuation of proceedings in S.T.C.No.466 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Kariapatti, against the petitioners would amount to abuse of process of law.



CRL OP(MD). No.23774 of 2025

17. Accordingly, this Criminal Original Petition is allowed, and the proceedings in S.T.C.No.466 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Kariapatti, arising out of Crime No.82 of 2025, are quashed, insofar as the petitioners are concerned. Consequently, the connected miscellaneous petitions are closed.

02.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The District Munsif Cum Judicial Magistrate, Kariapatti.
2. The Sub-Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
In Crime No.82 of 2025).
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

9/10



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CRL OP(MD). No.23774 of 2025

L.VICTORIA GOWRI, J

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