



Crl.O.P(MD)No.10 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.10 of 2026

and

Crl.M.P(MD)No.10 of 2026

- 1.Aadikan
- 2.Aadikalam Ambalam
- 3.Perumal
- 4.Murugayya
- 5.Suresh
- 6.Rajendran
- 7.Kalidas
- 8.Palanichamy
- 9.Rasu
- 10.Subbaiya
- 11.Muthu
- 12.Pandiyaraj
- 13.Veerappan
- 14.Pappu
- 15.Uyyavandhal
- 16.Kaliyammal
- 17.Katthayee
- 18.Selvi
- 19.Lakshmi

... Petitioners/A1 - A19

Vs.

1.The Inspector of Police,
Sakkottai Police Station,



Crl.O.P(MD)No.10 of 2026

Karaikudi, Sivagangai District,
Tamil Nadu.
(Crime No.117/2019)

... Respondent/Complainant

2.Krishnakumar

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to quash the S.T.C.No.630 of 2023 on the file of the Learned Judicial Magistrate, Karaikudi.

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

ORDER

Seeking quashment of final report in S.T.C.No.630 of 2023 on the file of the learned Judicial Magistrate, Karaikudi, 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 22.04.2019, the petitioners have gathered at Jeyankondan Road at Valaseripatti as a



group and had indulged in hooliganism disturbing the general public and interrupting the traffic between 10.00 a.m and 12.00 p.m claiming that certain unknown persons have uploaded videos abusing their community. On the basis of the complaint given by a Village Administrative Officer, the respondent police registered a case in Crime No.117 of 2019 for the alleged offences under Sections 143, 290 and 341 of IPC.

4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate, Karaikudi and the same was taken on file as S.T.C.No.630 of 2023 for the offences under Sections 143, 290, 341, 504 and 505(1) (c) of IPC.

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.

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, 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.

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 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.

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

13. Section 504 IPC relates to punishment for intentionally insults, and gives provocation to any person, intending or knowing it to be likely that such provocation will cause to break the public peace, or to commit any other offence, but none exist here.

14. Section 505 (1) (c) relates to punishment for the persons whoever makes, publishes or circulates any statement, rumour or report, with intent to incite, or which is likely to incite, any class or community



of persons to commit any offence against any other class or community, but non exist here.

15. 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.

16. The ingredients of Sections 143, 290, 341, 504 and 505 (1) (c) 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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17. 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.

18. 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.

19. In the result, the Criminal Original Petition is allowed. The final report in STC No.630 of 2023 on the file of learned Judicial Magistrate Court, Karaikudi in Crime No.117 of 2019 on the file of the 1st respondent police is quashed insofar as the petitioners are concerned. Consequently, the connected Miscellaneous Petition is closed.

06.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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- To
- 1.The Judicial Magistrate,
Karaikudi.
 - 2.The Inspector of Police,
Sakkottai Police Station,
Karaikudi, Sivagangai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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