



CrI.O.P(MD)No.436 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P(MD)No.436 of 2026

and

CrI.M.P(MD)Nos.435 & 437 of 2026

- 1.Ayyappan
- 2.Saravanakumar
- 3.Kali Das @ Kaliraj
- 4.Uikattan
- 5.Guruvaiah
- 6.Valathi
- 7.Muthupandi
- 8.Suman
- 9.Sriram

... Petitioners/Accused Nos.4,10,11,15,16,
30,34,36,39

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Thirunagar Police Station,
Madurai City.
(Crime No.64/2019)

... Respondent/Complainant

- 2.Rajamani

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in C.C.No.911



Crl.O.P(MD)No.436 of 2026

of 2025 on the file of the Learned Judicial Magistrate No.VI, Madurai District and quash the same as against the petitioners.

For Petitioners : Mr.S.Sathyachidambaram
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)

ORDER

Seeking quashment of the final report in C.C.No.911 of 2025 on the file of the Learned Judicial Magistrate No.VI, Madurai District, 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 the Petitioners, who are members of a political organization known as “Nethaji Subash Senai,” allegedly staged a dharna on 20.02.2019 at about 11:00 a.m., along with approximately 40 party members, demanding that Madurai Airport be renamed as 'Pasumpon Muthuramalinga Thevar Airport'. It is further alleged that no prior permission had been obtained for conducting such



Crl.O.P(MD)No.436 of 2026

protest, as required under Sections 41 and 41-A of the Tamil Nadu District Police Act, and therefore, F.I.R in Crime No.64 of 2019 was registered on the file of the respondent police for the offence under Sections 143, 341 and 353 IPC.

4. Upon completion of investigation, a final report was filed before the learned Judicial Magistrate No.VI, Madurai District and the same was taken on file as C.C.No.911 of 2025 for the offences under Sections 143, 341 and 353 IPC.

5. The learned counsel for the petitioners contend that the impugned final report 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.



WEB COPY

6. The learned counsel for the petitioners submitted that the final report does not contain any specific overt act attributable to the petitioners. The final report 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 final report 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 petitioners 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.



WEB COPY

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 final report in the present case does not identify the person restrained by the petitioner, the place of restraint, or the act of restraint attributable to them.



WEB COPY

12. Section 353 IPC, which deals whoever assaults or uses criminal force to any person being a public servant in the execution of his duty. The final report discloses none.

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.

14. The ingredients of Sections 143, 341 and 353 IPC 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 registered mechanically and without application of mind.



Crl.O.P(MD)No.436 of 2026

WEB COPY

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 investigation 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.911 of 2025 on the file of the learned Judicial Magistrate No.VI, Madurai District is quashed insofar as the petitioners are concerned. Consequently, the connected Miscellaneous Petitions are closed.

09.01.2026

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

gbg



WEB COPY



Crl.O.P(MD)No.436 of 2026

To

- 1.The Judicial Magistrate No.VI,
Madurai District.
- 2.The Inspector of Police,
Thirunagar Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P(MD)No.436 of 2026

L.VICTORIA GOWRI, J.

gbg

Crl.O.P(MD)No.436 of 2026

09.01.2026