



Crl.O.P.(MD)No.20436 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20436 of 2024

and

Crl.M.P.(MD)No.12624 of 2024

Muthukumaran

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by
The Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai.
(Crime No.719 of 2023)

2.J.Regan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records pertaining to the F.I.R. in Crime No.719 of 2023, on the file of the first respondent Police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The petitioner, A14, has filed this quash application seeking to quash the proceedings in Crime No.719 of 2023, on the file of the first respondent Police.

2. The case against the petitioner and 15 others is based on an incident that occurred on 29.06.2023, at about 09:00 a.m., when the respondent Police were on patrol duty. It is alleged that the petitioner, along with the others, gathered near Sellur 50-feet Road, Madurai Town, in front of Gopuram Cinemas, where they blocked the road in protest for the release of the movie 'Maamannan'. The protest was conducted without prior permission and caused obstruction to both public movement and traffic. Hence, a case was registered.

3. The learned counsel for the petitioner submits that the petitioner hailing from the same locality as of other protestors, hence falsely implicated in this case. The learned counsel further contends that there is no evidence to show that any prohibitory orders were in place on the day of the incident, nor is there any material to show that due to the protest,



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public movement disturbed and traffic stalled. The learned counsel argues that the act of protesting in a democratic manner should not be construed as a criminal act under Sections 143, 341, and 290 I.P.C.

4. The learned counsel for the petitioner further submitted that the petitioner, a young graduate, selected for the post of Police Constable in the Tamil Nadu Uniformed Services. The petitioner's name being recorded in the Crime and Criminal Tracking Network and Systems (CCTNS) portal, could significantly harm his chances of selection and jeopardize his future. The petitioner comes from a poor family and he is the primary breadwinner. The learned counsel produced a typed set of papers confirming the petitioner's selection in the Uniformed Services.

5. Per contra, the learned Additional Public Prosecutor submitted that on 29.06.2023, while on patrol duty, the respondent Police found approximately 16 individuals squatting on the road, blocking traffic, and causing a commotion, while protesting for the release of the movie 'Maamannan'. The protestors, including the petitioner have no authority to block the road, as matters regarding the film's content is concerned, it



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is under the jurisdiction of the Censor Board of film, certifying, who had approved the movie for exhibiton. The petitioner, along with others, took the law into their own hands by staging a dharna and causing a delay in exhibiting the film. However, the learned Additional Public Prosecutor fairly acknowledged that, apart from the registration of the case, no substantial investigation conducted. Moreover, the petitioner and the other accused are young students, many of whom are either still in college or employed, and none of them have any serious cases pending against them.

6. Considering the above said submissions and on perusal of the materials on record, this Court finds that the petitioner and the other accused, being young individuals, participating in a peaceful and democratic protest, which does not amount to a criminal act. There are no complaints from the public regarding obstruction or disturbance to traffic, and the protest appears to be brief and normalcy returned soon after. Furthermore, the protest was symbolic in nature and the petitioner is a young individual, and his life and future would be jeopardized, if this case is continued against him.



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7. In view of the above, this Court quashes the proceedings in Crime No.719 of 2023, pending before the first respondent Police, not only against the petitioner but also against all other accused in the case, who are all similarly placed. Hence, the petitioner and others accused discharged from the case, as nothing survives against them. It is further clarified that this case cannot be cited against the petitioner or the other accused in any manner affecting their future education or employment-related matters.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

22.11.2024

Index : Yes / No

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Note:- Issue order copy on 25.11.2024.

To

1.The Inspector of Police,
Sellur Police Station,
Madurai City,
Madurai.



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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