



Crl.O.P.(MD)No.1013 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1013 of 2025
and Crl.M.P(MD).Nos.660 and 664 of 2025

Dharmaraj

: Petitioner

Vs.

1.State through
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.275 of 2022

2.M.Sundara Pandian

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for records relating to the impugned proceedings in STC.No.280 of 2023 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District and quash the same as against this petitioner alone.

For Petitioner : Mr.K.Prabhu

For R1 : Mr.A.Thiruvadikumar
Additional Public Prosecutor



ORDER

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The petitioner, who is arrayed as A1 in Crime No.275 of 2022 for the offences under Sections 143 and 341 of IPC, had filed this quash petition.

2. The case against the petitioner is that, on 24.05.2022 the petitioner along with 1200 persons have unlawfully gathered and conducted protest against the Islamic Terrorism without any permission and caused public disturbance. Hence, case was registered against them.

3. The contention of the petitioner is that showing protest in democratic society is a fundamental right and there is no public restrained. The learned learned counsel appearing for the petitioner in support of his contention had relied upon the judgment reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other, in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.



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4. The learned Additional Public Prosecutor submitted that the defacto complainant, who is the Inspector of Police, while on patrol duty found that the petitioner along with other accused hold tharna against Islamic Terrorism without any permission and thereby, causing disturbance to the public. Hence, case was registered against them in Crime No.275 of 2022 and after completing investigation, charge sheet filed and the same was taken on file as STC.No.280 of 2023 before the learned Judicial Magistrate, Eraniel, Kanyakumari District for the offence under Sections 143 and 341 of IPC.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that showing protest by holding tharna is permissible, which cannot be construed and projected as illegal act. In this case, case projected is that the movement of the public was restrained to proceed further in the direction as they intended and movement of vehicle has been affected. No Public had lodged complaint about the incident, in such circumstances, claiming that the petitioner holding Dharna and caused public disturbance would not be proper. Accordingly, the proceedings in



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STC.No.280 of 2023 before the learned Judicial Magistrate, Eraniel, Kanyakumari District is hereby quashed against the all accused and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

22.01.2025

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

To

- 1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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