



Crl.O.P.(MD) No.883 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.883 of 2025

and

Crl.M.P.(MD) No.608 of 2025

Dharmaraj

... Petitioner

Vs.

1.State of Tamil Nadu through
The Inspector of Police,
Nesamony Nagar Police Station,
Kaniyakumari District.
Crime No.107 of 2024

2.R.Vijayan
S/o.Not Known,
Sub Inspector of Police,
Nesamony Nagar Police Station,
Kaniyakumari District.

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the impugned F.I.R. in Crime No.107/2024 on the file of the respondent police and quash the same.

For Petitioner : M/s.M.Ashwini

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed under Section 528 of the BNSS, 2023, seeking to call for the records pertaining to the impugned FIR in Crime No. 107 of 2024 on the file of the first respondent police and to quash the same.

2. The case projected against the petitioner is that on 22.06.2024, at about 5:00 p.m., the petitioner and 342 other accused persons, in total 343, unlawfully assembled without any permission in front of the office of the District Collector, Nagercoil, and conducted a protest against the State Government regarding the death of more than 50 persons in Kallakurichi District due to the consumption of spurious liquor. They also obstructed the free flow of traffic and caused a disturbance to the public. Although the police had issued a warning, the accused persons failed to comply. Therefore, they were arrested and taken into police custody. Based on the complaint given by the second respondent, Sub-Inspector of Police, a case was registered against the 343 persons in Crime No.107 of 2023 for offences punishable under Sections 143, 341, and 290 of the Indian Penal Code (IPC).



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3. The contention of the petitioner is that no specific overt act has been attributed as against the petitioner. The learned counsel appearing for the petitioner further submits that the facts of the case are exactly similar to those in the case 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 others** in a batch of cases in **Crl.O.P (MD) No.7922 of 2019 etc., dated 30.08.2019**.

4. The learned Government Advocate (Criminal Side), appearing for the first respondent police, submits that the petitioner and others held a protest without obtaining permission from the concerned authorities. He fairly submits that this Court, in similar cases, quashed the proceedings based on the citations referred to by the learned counsel appearing for the petitioners.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials on record.



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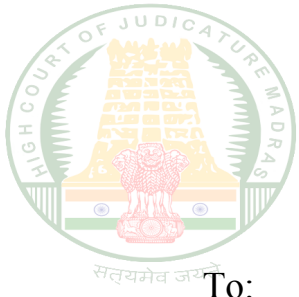
WEB COPY 6. The facts of this case are similar to those covered by the judgment of this Court reported in **2018 (2) LW (Crl) 606** [**Jeevanandham and Others vs. The Inspector of Police, Velayuthampalayam Police Station, Karur District**], dated **20.09.2018**, and in the case of **Sri Raja vs. Inspector of Police, Sivakasi Town Police Station, Virudhunagar District, and others** in a batch of cases in **Crl.O.P (MD) No.7922 of 2019**, dated **30.08.2019**.

7. In the result, the Criminal Original Petition stands allowed, and the proceedings in Crime No.107 of 2024 on the file of the first respondent police are quashed not only against the petitioner but also against all the other accused who are similarly placed. Consequently, the connected Miscellaneous Petition is closed.

21.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

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To:
WEB COPY

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



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M.NIRMAL KUMAR, J.

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