



Crl.O.P.(MD)No.1173 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.1173 of 2025

and

Crl.M.P.(MD).No.795 of 2025

Henri Tiphagne

... Petitioner/Accused No.2

Vs.

1.State Rep. by,
The Inspector of Police,
SS Colony Police Station,
Madurai City.
(In Crime No.145/2020)

...Respondent No.1 / Complainant

2.N.Dhilipan,
The Sub Inspector of Police,
SS Colony Police Station,
Madurai City.

... Respondent No.2/ Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the impugned Final Report in C.C.No. 1070 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai in Crime No.145/2020, SS Colony Police Station, Madurai City and to quash the same as illegal and as against the petitioner.



Crl.O.P.(MD)No.1173 of 2025

For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in C.C.No.1070 of 2020 on the file of the learned Judicial Magistrate No.V, Madurai, which was filed for the offences under Section 143, 341, 290 of IPC and Section 71A(1) of Tamil Nadu City Police Act, 1888.

2. The allegation in the final report is that the petitioner, along with others, indulged in a protest without valid permission and caused nuisance and disturbance to the general public by using loudspeakers, besides causing obstruction to traffic.

3. The learned counsel for the petitioner would submit that the petitioner, along with others, was exercising his right to assemble peacefully, which could not, by any stretch of imagination, constitute the offences alleged. He would rely upon the judgment of this Court in the case of ***Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another***, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.



4. The learned Government Advocate (Crl. Side) appearing for the respondents, per contra, would submit that the petitioner, along with others, participated in an unauthorized protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and therefore, the impugned final report is justified.

5. Admittedly, the petitioner, along with others, participated in a protest. The question is whether such an act would constitute the offences alleged by the prosecution.

6. In the case of **Jeevanandham**, referred to supra, which related to a protest without valid permission and when the accused had filed quash petition of the final report filed for the offences under Sections 143 and 341 of IPC, this Court had held as follows:

"42. In all the cases, the assembly of persons were expressing dissatisfaction on the governance and claiming for minimum rights that are guaranteed to an ordinary citizen. If such an assembly of persons are to be trifled by registering an FIR under Section 143 of IPC and filing a Final Report for the very same offence, no democratic dissent can ever be shown by the citizens and such prohibition will amount to violation of fundamental rights guaranteed under the Constitution. A reading of the Final Report also does not make out an offence under Section 341 of IPC since any form of an agitation, will necessarily cause some hindrance to the



Crl.O.P.(MD)No.1173 of 2025

movement of the general public for sometime. That by itself, does not constitute an offence of a wrongful restraint. "

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7. The above observations of this Court would squarely apply to the facts of the instant case. Further, there is nothing to indicate that the petitioner intended to cause public nuisance. Hence, the offence under Section 290 of IPC would not be made out and no useful purpose would be served in continuing the prosecution.

8. Since the allegation does not constitute any of the offences including the offence under Section 71A(1) of Tamil Nadu City Police Act, this Court is of the view that the impugned final report in C.C.No.1070 of 2020 is liable to be quashed and is accordingly quashed.

9. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

18.11.2025

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



Crl.O.P.(MD)No.1173 of 2025

To

1.The Judicial Magistrate Court No.V,
Madurai.

2.The Inspector of Police,
SS Colony Police Station,
Madurai City.

3.The Sub Inspector of Police,
SS Colony Police Station,
Madurai City.

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



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Crl.O.P.(MD)No.1173 of 2025

SUNDER MOHAN, J.

Lm

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And
Crl.M.P.(MD).No.795 of 2025**

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