

Crl.O.P.(MD) No.2123 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :15.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL. OP(MD). No.2123 of 2025

and

CrI.M.P(MD)No.1448 and 1449 of 2025

1. Murugan
- 2.Kumar
3. Umaiyaarajan
- 4.Karthick
- 5.Arunkumar
- 6.Ananth
- 7.Manikandan
8. Thilagaraj
9. Nagaraj
10. Suresh
11. Bala Preveen
- 12.Prabhakar
- 13.Karuppasamy
- 14.Solairaj
- 15.Ravikumar

... Petitioners

Vs.

1. The Inspector of Police
Theni Police Station
Theni District

2. Jeeva
Village Administrative Officer
Allinagaram Village
Theni

... Respondents



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PRAYER: Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to STC No. 232 of 2024 on the file of the Judicial Magistrate, Theni and quash the same as against the petitioners.

For Petitioners : Mr.Karthikeya Venkitachalapathy
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has filed to quash the proceedings in STC No. 232 of 2024 on the file of the learned Judicial Magistrate, Theni

2. The case of the prosecution is that on 07.09.2023 the petitioners along with others without any permission formed unlawful assembly and raised slogans by condemning derogatory comment made by the Tamil Nadu Minister against Sanatana Dharma thereby committed the offence under Sections 341 and 143 of IPC.

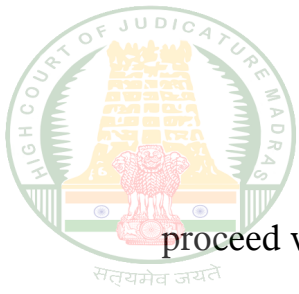
3. The learned counsel appearing for the petitioners would submit that based on the complaint given by the second respondent the first respondent



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registered a case in Crime No. 446 of 2023 for the offences under Sections 143 and 341 of IPC. The petitioners raised slogans by condemning derogatory comment made by the Tamil Nadu Minister against Sanatana Dharma. Infact all the witnesses are police witnesses and there is no unlawful assembly and therefore the accused persons cannot be prosecuted under Section 143 of IPC. There is no evidence that the petitioners and others have wrongfully restrained some body to attract the offence under Section 341 of IPC. The first respondent without conducting proper investigation filed final report before the learned Judicial Magistrate, Theni and the learned Magistrate also without any prima facie materials had taken cognizance and the same is pending in STC No. 232 of 2024 and therefore the pending proceedings is liable to be quashed.

4. The learned counsel appearing for the first respondent would submit that the petitioners raised slogans by condemning derogatory comment made by the Tamil Nadu Minister against Sanatana Dharma, therefore the second respondent lodged a complaint against the petitioners and others and the first respondent registered a case. Thereafter the first respondent conducted investigation and filed final report and the trial Court has also taken cognizance and there are prima facie materials available as against this petitioners to



proceed with the case, therefore they have to face the trial, hence the petition is liable to be dismissed.

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

6. In this case the first respondent has registered a case against the petitioners and others for the offences under Section 143 and 341 of IPC alleging that petitioners along with others raised slogans by condemning derogatory comment made by the Tamil Nadu Minister against Sanatana Dharma. Therefore the second respondent lodged complaint and the first respondent registered a case against these petitioners and other under Section 143 and 341 of IPC.

7. On careful perusal of the entire records, there are no materials to show that the petitioners and other accused formed unlawful assembly. They only conducted demonstration and no any unlawful assembly as defined under Section 141 of IPC. There are no materials to constitute the offence under Section 143 of IPC, as per the First Information Report and final report. Merely because they assembled together and conducted dharna it will not amount to unlawful assembly to attract the provision under Section 143 of IPC.



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8. So far as offence under Section 341 of IPC is concerned, there are no materials that these petitioners along with other accused unlawfully restrained anybody and there is no any complaint given by any one of the public and no other materials to show that the accused person obstructed anybody in proceeding in the public road, therefore the pending proceedings are liable to be quashed.

9. At this juncture, the learned counsel appearing for the petitioners relied on the following judgments:

a) Jeevanantham and others .vs. The Inspector of Police, Velayuthapuram Police Station, Karur District and another reported in 2018-22 L.W.(CrI.)606

b) K.Sathaiya and others .vs. The Inspector of Police, Arimalam Police Station, Pudukottai District in Crl.O.P(MD) No.75 of 2025.

10. On careful perusal of the above said judgments it is clear that when the assembly of persons were expressing dissatisfaction on the governance and



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claiming for minimum rights that are guaranteed to an ordinary citizen and if such an assembly of persons are to be trifled by registering an FIR under [Section 143](#) of IPC and now equivalent to Section 189(2) of BNS 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.

11. In the case on hand also the petitioners raised slogans by condemning derogatory comment made by the Tamil Nadu Minister against Sanatana Dharma in a peaceful manner and no any complaint lodged by any public and no any public movement was curtailed. To attract the offence under Section 143 and 341 of IPC there is no any material that these petitioners along with other accused formed unlawful assembly with a common intention to resist the execution of any law or of any legal progress. Further the said dharna did not cause any public nuisance to anybody. More over there is no unlawful assembly to do the illegal act with common intention. In view of the above discussions, this Court is of the opinion that the pending First Information Report is liable to be quashed.



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WEB COPY 12. Accordingly the Criminal Original Petition stands allowed and the proceedings in STC No. 232 of 2024 on the file of the Judicial Magistrate, Theni is hereby quashed. Consequently connected miscellaneous petitions stand closed.

15.04.2025

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

1. The Judicial Magistrate, Theni
2. The Inspector of Police
Theni Police Station
Theni District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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