



Crl.O.P.(MD) No.4157 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.4157 of 2024

and

Crl.M.P.(MD) Nos.3287 & 3288 of 2024

- 1.Muthu
- 2.Vasanthakumar
- 3.Ramagunaseelan
- 4.Kolappan
- 5.Muthuvairavan
- 6.Sudalaimani
- 7.Sreemathi
- 8.Swornakumar

... Petitioners

Vs.

- 1.The State of Tamil Nadu rep. by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
Crime No.601 of 2020
- 2.E.Sathiyasoban
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned proceedings in S.T.C.No.1780 of 2022 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District and quash the same as illegal.

For Petitioners : Mr.V.Malaiyendran
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C.No.1780 of 2022 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, filed against the petitioners for the offences punishable under Sections 143, 341, 269, 283, 270 and 290 of the Indian Penal Code, 1860 and Section 73 of the Tamil Nadu City Police Act, 1888.

2. The gist of the allegations in the final report is that during the Covid-19 period, in violation of the order passed under Section 144 of the Code of Criminal Procedure, 1973, the petitioners formed an unlawful assembly, obstructed traffic and protested against the speech made by one of the political leaders, without observing social distancing norms.



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3. The learned counsel for the petitioners would submit that the gist of the allegations against the petitioners is that they had indulged in a protest during the Covid-19 period in disobedience of the order passed under Section 144 of the Code of Criminal Procedure, 1973; that even if the allegations are accepted to be true, they would only constitute the offence under Section 188 of the Indian Penal Code, 1860, besides Section 186 of the Indian Penal Code, 1860 for obstructing a public servant in the discharge of his public functions; and that their right to protest cannot be termed as causing wrongful restraint or unlawful assembly, and therefore, the impugned prosecution is liable to be quashed. He would rely upon the judgment of this Court in ***Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another***, reported in ***2018-2-L.W.(Crl.) 606***.

4. The learned Government Advocate (Criminal Side) for the first respondent would reiterate the allegations in the final report and submit that, in violation of the order passed under Section 144 of the Code of Criminal Procedure, 1973, the petitioners assembled in a public place and indulged in an illegal protest, and therefore, the aforesaid offences are made out, and sought for dismissal of this petition.



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5. As stated earlier, the only allegations against the petitioners are that they had protested against a statement made by a political leader in a public place and that they had violated the order passed by a public servant.

6. As regards the offences under Sections 341 and 143 of the Indian Penal Code, 1860, 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 188 of the Indian Penal Code, this Court had held as follows:

32.Crl.O.P.(MD)Nos. 12684, 15710 and 15709 of 2018

In all these cases, a Final Report has been filed for an offence under Section 143, 341 and 188 of IPC. A Final Report cannot be filed for an offence under Section 188 of IPC, and the Court below ought not to have been taken cognizance. In view of the above discussion, the Final Report insofar as an offence under Section 188 IPC is concerned is hereby quashed. Insofar as the offence under Section 143 IPC is concerned, the allegation is that the assembly had raised slogans demanding for the rights of the farmers, and expressed opposition not to establish a godown and this according to the Police was done, when there was a prohibitory order under Section 30(2) of the Police



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Act, 1861. In the considered view of this Court, this will not constitute an offence under Section 143 of IPC.

2.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 Cr.P.C since any form of an agitation, will necessarily cause some hindrance to the movement of the general public for sometime. That by itself, does not constitute an offence of a wrongful restraint.”

The above observations of this Court would squarely apply to the facts of the instant case.

7. There is nothing in the final report to suggest that the petitioners had caused nuisance to the general public in any manner, and therefore, the offences under Sections 283 and 290 of the Indian Penal Code, 1860, and Section 73 of the Tamil Nadu City Police Act, 1888, would also not be made out.



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10. Thus, this Criminal Original Petition is allowed. Consequently,
the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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