



Crl.O.P.(MD)No.6578 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.6578 of 2024

and

Crl.M.P.(MD).No.4983 of 2024

Suresh

... Petitioner/Accused No.9

Vs.

1.State through,
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.34/2023)

... 1st Respondent/Complainant

2.Anujakumari
The Police Officer,
Women Grade I 2607,
Rajakkamangalam Police Station,
Kanyakumari.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with impugned charge sheet in S.T.C.No.992 of 2023, on the file of the learned Judicial Magistrate No.I, Nagercoil and quash the same as illegal as against the petitioner.

For Petitioner : M/s.D.Ramya

For R-1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.992 of 2023 on the file of the learned Judicial Magistrate No.I, Nagercoil, which was filed for the offences under Section 143, 147, 341 and 353 of IPC.

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.

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. She 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 her submissions.

4. The learned Government Advocate (Crl. Side) appearing for the first respondent, per contra, would submit that the petitioner, along with others,



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

7. The above observations of this Court would squarely apply to the facts of the instant case. Further, there is no allegation of assault or criminal force to



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deter any public servant from discharging his duty although there is allegation that the respondent Police was prevented from performing their duty. In the absence of assault or criminal force, the offence under Section 353 of IPC would not be made out. There is no allegation that the petitioner along with other accused formed themselves into unlawful assembly only to commit an offence. Hence, the offence under Section 147 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, this Court is of the view that the impugned final report in S.T.C.No.992 of 2023 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.

27.11.2025

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



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To

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



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SUNDER MOHAN, J.

Lm

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