

Crl.O.P.(MD) No.12993 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED :08.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE P.DHANABAL**

CRL. OP(MD). No.12993 of 2024

and

Crl.M.P(MD)Nos.7997 and 7998 of 2024

1. Parthiban

2. Suresh

... Petitioners

Vs.

1. The Inspector of Police

Kallidaikurichi Police Station

Tirunelveli District

2. A.Alwar

Sub Inspector of Police

Kallidaikurichi Police Station

Tirunelveli District

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 528 of BNSS to call for the records in connection with the Charge Sheet in STC No.394/2024 dated. 10.06.2024 pending on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District so far as the petitioners are concerned and quash the same.

For Petitioners : Mr.P.Veerapandi

For Respondents : Mr.M.Karunanithi  
Government Advocate (Crl. Side)



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## **ORDER**

**WEB COPY** This petition has filed to quash the proceedings in STC No.394 of 2024 dated.10.06.2024 pending on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District

2. The case of the prosecution is that the petitioners along with others without any permission formed unlawful assembly and involved in road roko for stoppage of bus at Karambai Village, Kallidaikurichi main road to Tirunelveli, thereby they caused hindrance to the public and wrongfully restrained the public from using the road, therefore the second respondent lodged a complaint before the first respondent and they registered a case in Crime No. 140 of 2023 for the offences under Sections 143,283 and 341 of IPC. Thereafter the first respondent completed investigation and filed final report and the same was taken on file in STC No.394 of 2024, now the petitioners who are arrayed as accused are challenging the final report.

3. The learned counsel appearing for the petitioners would submit that based on the complaint given by the second respondent the first respondent registered a case in Crime No. 140 of 2023 for the offences under Sections 143,283 and 341 of IPC. Infact these petitioners are innocent and they have not



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committed any offence as alleged in the First Information Report. The first petitioner is the law graduate and he is social enthusiastic and President of Tamil Nadu Social Justice Organization. When the petitioner was about to enrol before the Bar Council after completion of his degree the first respondent in order to take vengeance against the petitioners registered this case. The petitioners along with others have sent a representation for the stoppage of bus in their village but they have not considered the representation. Further the village people conducted dharna in a peaceful manner without affecting public movement. Whiles the first respondent without conducting proper investigation filed final report and there are no ingredients to constitute the offence under Sections 143, 283 and 341 of IPC, hence the pending proceedings is liable to be quashed.

4. The learned Government Advocate(Crl.Side) appearing the first respondent would submit that the petitioners along with others without any permission formed unlawful assembly and involved in road roko for stoppage of bus at Karambai Village, Kallidaikurichi main road to Tirunelveli, thereby they caused hindrance to the public and wrongfully restrained the public from using the road therefore the second respondent lodged a complaint before the first respondent and they registered a case in Crime No. 140 of 2023 for the



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offences under Sections 143,283 and 341 of IPC. Now the first respondent completed investigation and filed final report and the same is pending in STC No.394 of 2024 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District and as per the final report there are prima facie materials available as against the petitioners, therefore it is a matter for trial and at this stage the prayer of the petitioners cannot be considered.

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

6. In this case the second respondent lodged a complaint as against the petitioners and others and thereafter the first respondent completed investigation and filed final report and the same is pending in STC No.394 of 2024 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District. According to the petitioners they have not committed any offence as alleged in the charge sheet and there are no ingredients to constitute the offence under Section 143,283 and 341 of IPC and no any public lodged complaint as against the said incident and the village people conducted dharna in a peaceful manner without disturbance to anybody. Therefore there is no offence made out as against these petitioners.

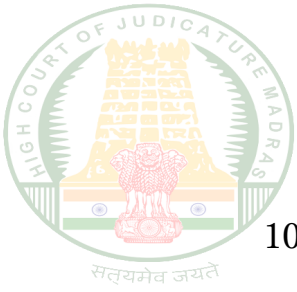


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**WEB COPY** 7. On careful perusal of the entire records, there are no materials to show that the petitioner and other accused formed unlawful assembly. They only conducted protest and no any unlawful assembly as defined under Section 141 of IPC. There are no materials to constitute the offence under Section 143 of IPC, as per the First Information Report and the 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.

8. As far as offence under Section 283 IPC is concerned no materials available to constitute the offence and without any materials the trial Court has taken cognizance.

9. So far as offence under Section 341 of IPC is concerned, there are no materials that this 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.



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10. 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.(Crl.)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 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 agitated for stoppage of bus 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, 283 and 341 of IPC there is no any material that this petitioners along with other



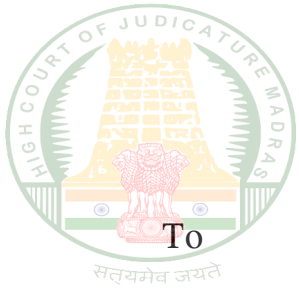
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accused formed unlawful assembly with a common intention to resist the execution of any law or of any legal progress. Further the said protest did not cause any public nuisance to anybody. More over no any complaint lodged by any public in this case and the complainant is the Sub Inspector of Police and there are no ingredients to constitute the offences under Sections 143, 283 and 341 of IPC. In view of the above discussions, this Court is of the opinion that the pending First Information Report is liable to be quashed.

12. Accordingly the Criminal Original Petition stands allowed and the proceedings in STC No.394 of 2024 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District is hereby quashed. Consequently connected miscellaneous petitions stand closed.

**08.04.2025**

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

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



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**P.DHANABAL, J.**

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