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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.14161 of 2025
and
Crl.M.P(MD) No.11370 of 2025

Thiyagarajan ... Petitioner

Vs

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The State of Tamilnadu,
Rep by the Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
(Crime No.68 of 2017) ... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pertaining to the case in Crime No.68 of 2017 on the file of second respondent, Ramjee Nagar Police Station, Trichy District and quash the same as illegal as against the petitioner.

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For Petitioner : Mr.K.P. Krishna Doss,
Advocate.
For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.68 of 2017, on the file of second respondent, which was registered for the offences under Sections 143, 188 and 341 of IPC.

2. The allegation in the FIR is that the petitioners, along with others, indulged in a protest without valid permission and caused nuisance and disturbance to the general public, besides causing obstruction to traffic.

3. The learned counsel for the petitioners would submit that the petitioners, along with others, were exercising their 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,***

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Velayuthampalayam Police Station, Karur District and another, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Additional Public Prosecutor appearing for the respondent, per contra, would submit that the petitioners, 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 FIR is justified.

5. Admittedly, the petitioners, 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, 188 and 341 of IPC, this Court had held as follows:

> ***Crl.O.P.(MD) No. 15655 of 2018***
>
> *40. In this case, an FIR has been registered as*

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against 102 persons for an offence under Section 341, 143 and 188 of IPC. A reading of the FIR does not make out an offence under Section 341 and 143 of IPC. No FIR can be registered by the respondent Police for an offence under Section 188 of IPC Accordingly, the FIR in Crime No. 99 of 2018 is hereby quashed and Crl.O.P. No. 15655/2018 stands allowed.

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

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

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7. The above observations of this Court would squarely apply to the facts of the instant case. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.68 of 2017, on the file of the second respondent, is liable to be quashed and is accordingly quashed.

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

06.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
cp

TO

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,, Ramjee
Nagar Police Station,
Trichy District.

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

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SUNDER MOHAN,J

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ORDER
IN
CRL OP(MD) No.14161 of 2025

Date : 06/11/2025

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