



Crl.O.P.(MD)No.15120 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15120 of 2025

and

Crl.M.P.(MD).No.12272 of 2025

1. Riyas Khan

2. Ramjan Begam

3. Hameed Ibrahim

4. Abdul Hakkeem

5. Mohamed Haneef

... Petitioners / Accused Nos.1,6,7,9,10

Vs.

1. The State of Tamilnadu, Rep.By,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.79/2025).

... 1st Respondent / Complainant

2. Arul

... 2nd Respondent / Defato Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to Crime No.79 of 2025, dated 13.02.2025 on the file of the Inspector of Police, Kenikkarai Police Station, Ramanathapuram District and quash the same in so far as this petitioners concerned.



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Crl.O.P.(MD)No.15120 of 2025

For Petitioner : Mr.K.Yasar Arafath
For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

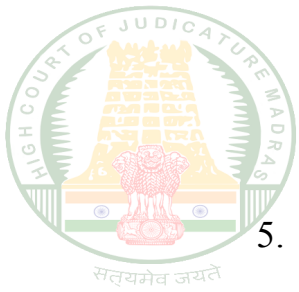
ORDER

This petition has been filed to quash the FIR in Crime No.79 of 2025, dated 13.02.2025 for the offences punishable under Sections 189(2), 293 and 287 of BNS, 2023, on the file of the first respondent Police Station, as against the petitioners alone.

2. The allegation in the First Information Report is that the petitioners along with others have participated in a protest against the amendment of Waqf Act without a valid permission.

3. The learned counsel for the petitioner would submit that the petitioners had conducted the protest in a peaceful manner and none of the allegations made in the FIR would constitute the offence as alleged.

4. The learned Additional Public Prosecutor, on instructions, would submit that the allegations in the FIR would constitute the offence as alleged.

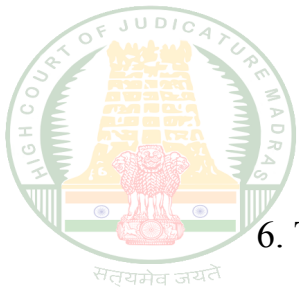


5. In the case of **Jeevanandham**, referred to supra, which related to a protest without valid permission and when the accused had filed quash petition of the final report filed for the offences under Sections 143, 341 and 188 of IPC, this Court had held as follows:

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 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.”



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

7. Further, there is nothing to suggest that they repeatedly made nuisance even after a direction of any public servants. Hence, the offence under Section 293 of BNS also would not made out. Similarly, the offence under Section 287 of BNS, would not made out, since the petitioners did not act with fire or any combustible matter, so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person. Since the allegations in the FIR does not attract any of the offences, the FIR in Crime No.79 of 2025, dated 13.02.2025, on the file of the first respondent Police Station, is liable to be quashed and accordingly quashed.

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

12.09.2025

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

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To



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SUNDER MOHAN, J.

Indu

- 1.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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