



Crl.O.P.(MD)No.19815 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19815 of 2024

and

Crl.M.P.(MD).Nos.12210 and 12211 of 2024

Ayupkhan

... Petitioner/Accused No.96

Vs.

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Tenkasi Police Station,
Tenkasi.
(Crime No.16 of 2020)

... 1st respondent/Complainant

2.K.Adivel,
Inspector of Police,
Tenkasi Police Station,
Tenkasi.

... 2nd respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023 and Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in S.T.C No.280 of 2020 on the file of the learned Judicial Magistrate, Tenkasi and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.K.Navaneetharaja

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



Crl.O.P.(MD)No.19815 of 2024

ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.280 of 2020 on the file of the learned Judicial Magistrate, Tenkasi, which was filed for the offences under Section 143 and 283 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, besides causing obstruction to traffic.

3. The learned counsel for the petitioner would submit that the petitioner, along with others, was exercising his right to assemble peacefully and had registered the protest, 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, Velayuthampalayam Police Station, Karur District and another***, reported in ***2018-2-L.W.(Crl.) 606*** in support of his submissions.

4. The learned Additional Public Prosecutor appearing for the first respondent, per contra, would submit that the petitioner, along with others,



Crl.O.P.(MD)No.19815 of 2024

participated in the protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and that they had no valid permission to engage in the protest and therefore, the impugned final report is justified.

5. The admitted fact is that the petitioner, along with others, engaged in a protest. The question is whether the assembly of persons and their protest on an issue 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 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,



Crl.O.P.(MD)No.19815 of 2024

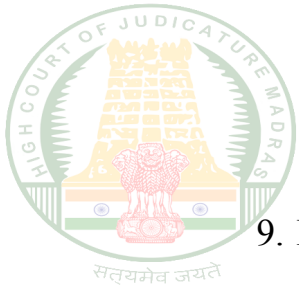
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1861. In the considered view of this Court, this will not constitute an offence under Section 143 of IPC.

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.”

7. The above observations of this Court would squarely apply to the facts of the instant case. Further, there is nothing to suggest the commission of an offence under Section 283 of the IPC. Even otherwise, the alleged acts caused only slight harm and the offence under Section 283 IPC is punishable with fine of Rs.200/-. Hence, no useful purpose would be served by continuing the prosecution.

8. Hence, this Court is inclined to quash the impugned prosecution and accordingly quashes the same.



Crl.O.P.(MD)No.19815 of 2024

9. In the result, this Criminal Original Petition is allowed. Consequently,
connected miscellaneous petitions are closed.

11.09.2025

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

To

- 1.The Judicial Magistrate Court,
Tenkasi District.
- 2.The Inspector of Police,
Tenkasi Police Station,
Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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Crl.O.P.(MD)No.19815 of 2024

SUNDER MOHAN, J.

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Crl.O.P(MD).No.19815 of 2024

11.09.2025