



CRL OP(MD). No.15244 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 15.09.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP(MD). No.15244 of 2025

and

Crl.MP(MD)Nos.12371 & 12373 of 2025

Kumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
Crime No. 418/2024.

2. Sivakumar,

... Respondents

PRAYER :- Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, 1973/Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023, to call for the entire records pertaining to the impugned Charge Sheet in S.T.C.No. 2563/2024 on the file of learned Judicial Magistrate Court -I, Kovilpatti and quash the same as illegal for petitioner concern.



WEB COPY



CRL OP(MD). No.15244 of 2025

For Petitioner : Mr.K.Bharathi
For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor for R1

ORDER

This petition has been filed to quash the charge sheet filed by the respondent in S.T.C.No. 2563 of 2024 on the file of learned Judicial Magistrate No.I, Kovilpatti, for the offences under Sections 189(2)) and 126 (2) BNS, 2023.

2. The allegation against the petitioner in the final report is that alleging inaction in the investigation pertaining to the death of one Gayathri, the petitioner along with the others refused to receive the body of the deceased Gayathri, and had protested in front of the Hospital and obstructed the traffic and thus, committed the offences under Sections 189(2)) BNS (corresponding to Section 143 IPC) and 126 (2) BNS, 2023 (corresponding to Section 341 IPC).

3. The learned counsel for the petitioner would submit that the allegations would not constitute any of the offences charged, the petitioner has not intended to commit the offence of wrongful restraint



CRL OP(MD). No.15244 of 2025

and the offence of unlawful assembly. He would rely upon the judgment of this Court in P.Perumalsamy and others V. The State of Tamil Nadu rep. by the Inspector of Police dated 13.03.2025 rendered in Crl.O.P. (MD)No.2317 of 2025, and in Jeevanandham and others vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another, dated 20.09.2018, rendered in Crl.O.P.(MD) No.1356 of 2018, etc., batch.

4. This Court has perused the impugned final report. The allegation against the petitioner is that he, along with others, had protested in front of the Hospital without valid permission. 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 the Indian Penal Code, this Court had observed as under:

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

41....

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*



WEB COPY



CRL OP(MD). No.15244 of 2025

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.

5. These above observations squarely apply to the facts of the present case.

6. Hence, this Court is of the view that the impugned final report is liable to be quashed and is accordingly quashed.

7. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

15.09.2025

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

4/6



CRL OP(MD). No.15244 of 2025

WEB COPY

TO

1.The Judicial Magistrate No.I,
Kovilpatti.

2.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.

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



WEB COPY



CRL OP(MD). No.15244 of 2025

SUNDER MOHAN,J.

LS

Crl.O.P(MD) No.15244 of 2025

15.09.2025