



CRL OP(MD). No.15642 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19/09/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.15642 of 2025
and
Crl.MP(MD)No.12744 of 2025

1. P.Pushpahakaran,
2. P. Kannan,
3. G. Ramasamy,
4. K. Paramasivam,,
5. S. Mahendran,, ... Petitioners

Vs

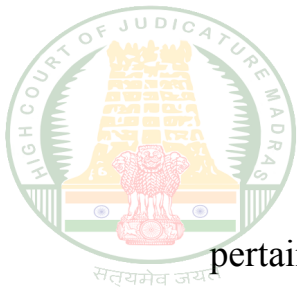
1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No. 95 of 2024).

2. R. Anitha,,
Sub-Inspector of Police,
Anna Nagar Police Station,
Madurai City.

... Respondents

PRAYER :-

This Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records



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pertaining to the impugned First Information report in Crime No. 95 of 2024 dt. 08.02.2024 on the file of the Respondent No.1 for the alleged offences under sections 143 and 341 of IPC as far as the Petitioners is concerned and quash the same as illegal.

For Petitioner : Mr.T.Thirumurugan,
Advocate.

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

The petitioners seek to quash the FIR in Crime No.95 of 2024 dated 08.02.2024 on the file of the first respondent which was filed for the offences under Section 143, 341 of IPC.

2. The allegation in the FIR is that the petitioner along with others had participated in a protest seeking allotment of house for Sanitary Workers and thus committed the offence.

3. Learned counsel for the petitioner would submit that even on the allegations the offences under Sections 143, 341 of IPC, would not be



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made out ; and that this Court in ***Jeevanantham and others Vs. State*** reported in ***(2018) 2 LW (Crl) 606*** has held that protest would not attract the offence under Sections 143, 341 of IPC.

4. Learned Additional Public Prosecutor appearing for the respondents would submit that in this case, investigation has been completed and the final report has been filed before the learned Judicial Magistrate No.VI, Madurai, which is yet to be taken on file.

5. The allegations against the petitioners is that they participated in a protest. Apart from the fact that the petitioners participated, there is nothing in the impugned FIR to suggest that they had committed the offences of wrongful restraint or rioting. The case of the petitioners is squarely covered by the observations of this Court made in ***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***, this Court had held as follows:



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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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7. Hence, the impugned FIR in Crime No. 95 of 2024 and the consequential final report filed by the respondent which is yet to be taken on file are liable to be quashed and are accordingly quashed.

8. Hence, this Criminal Original Petition is allowed.
Consequently, connected miscellaneous petition is also closed.

19.09.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1.The Judicial Magistrate No.VI, Madurai.

2.The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No. 95 of 2024).

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

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SUNDER MOHAN, J.

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