



CRL OP(MD). No.16100 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/09/2025

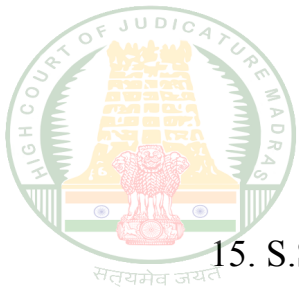
CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P(MD). No.16100 of 2025
and
CrI.M.P(MD) No.13128 of 2025

1. P.Pushpakaran
2. P. Kannan
3. S. Mahendran
4. K. Paramasivam
5. K.Chinnamari
6. S.Kathiravan @ Uthaya
7. S. Marimuthu
8. P.Prabhakaran
9. A.Janaki
10. G.Deivanai
11. M.Chellamani
12. P.Manimurugesan
13. R.Ammasi
14. A.Ponmalai

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15. S.Sekar

16. M.Uma

17. P.Palpandi

18. A.Nagaraj

19. G.Ramasamy

20. M.Kandhasamy

... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No. 177/2024

2. P. Jeyapandian,
Sub-Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pertaining to the impugned First Information report in Crime No.177/2024 dated 01.04.2024 on the file of the Respondent No.1 police for the alleged offences under Sections 143, 341 and 290 of IPC and quash the same as illegal.

For Petitioners : Mr.T.Thirumurugan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)



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ORDER

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

3.The learned counsel for the petitioners would submit that the petitioners ought not to have been prosecuted for the aforesaid offences, as the allegations would not constitute the said offences. In support of his contentions, the learned counsel 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***.

4.The learned Additional Public Prosecutor appearing for the



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respondent police, per contra, would submit that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate No.VI, Madurai, which is yet to be taken on file and opposed the prayer of the petitioner.

5.The admitted fact is that the petitioners, 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



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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



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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. There is no allegation to attract the offence under Section 290 IPC also. Since the allegations do not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.177 of 2024 and the final report are liable to be quashed and are accordingly quashed.

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

23.09.2025

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

- 1.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Judicial Magistrate No.VI,
Madurai.



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SUNDER MOHAN,J

CP

ORDER
IN
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