



Crl.O.P.(MD)No.15861 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.15861 of 2025

and

Crl.M.P.(MD).No.12936 of 2025

1.Rahamathulla @ Rahmathulla

2.Jakir Hussain @ Jahir Hussain

... Petitioners/Accused No.4 & 6

Vs.

State represented through,
The Inspector of Police,
Kumbakonam West, Police Station,
Tanjore District.
(In Crime No.770 of 2022)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records of impugned charge sheet in S.T.C.No.746 of 2023 on the file of the Learned Judicial Magistrate, Kumbakonam and quash the same as illegal as against the petitioners.

For Petitioners : Mr.A.Mohamed Riyaz

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.746 of 2023 on the file of the learned Judicial Magistrate, Kumbakonam, which was filed for the offences under Section 143 and 341 of IPC.

2. The allegation in the final report is that the petitioners, 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 petitioners would submit that the petitioners, along with others, were exercising their right to assemble peacefully, 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 respondent, per contra, would submit that the petitioners, along with others,



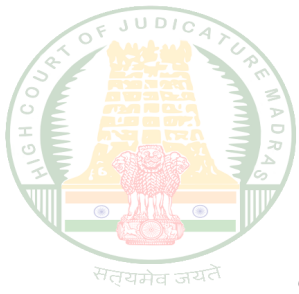
participated in an unauthorized protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and therefore, the impugned final report is justified.

5. Admittedly, the petitioners, along with others, participated in a protest. The question is whether such an act 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, 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.



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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.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned final report is liable to be quashed and is accordingly quashed.

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

22.09.2025

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



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To

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



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SUNDER MOHAN, J.

Lm

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