



Crl.O.P.(MD)No.16355 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.16355 of 2025

and

Crl.M.P.(MD).Nos.13347 and 13349 of 2025

1.Suresh Samiyar Kani

2.George Ponnaiah

... Petitioners/Accused 1 & 2

Vs.

The State of Tamil Nadu Rep. by,
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.208/2018)

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.26 of 2020 on the file of the Learned Judicial Magistrate No.I, Padmanabhapuram at Kanyakumari District and quash the same insofar as petitioners are concerned.

For Petitioners : Mr.S.Jebastin

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 C.C.No.26 of 2020 filed for the offences under Section 505(1)(a) and 188 of IPC.

2. The allegation in the final report is that the petitioners had criticized the State and Central Governments and thereby inducing the public to commit offence against the State.

3. The learned counsel for the petitioners would submit that the petitioners had obtained appropriate permission to conduct 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 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Additional Public Prosecutor appearing for the respondent, per contra, would submit that though the petitioners had participated in the protest after obtaining permission from the competent



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authority, they had violated the conditions and had criticized the State and Central Governments, thereby inducing the public to commit offence against the State.

5. The offence under Section 505(1)(a) of IPC deals with making, publishing or circulating any statement, rumour or report with intent to cause any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in their duty. There is no such allegation in the final report. Even assuming that the respondent had intended to prosecute under Section 505(1)(b) or 505(1)(c) of IPC, there is nothing in the impugned final report to suggest that the speech was intended to cause fear or alarm to the public or to any section of the public, whereby, any person may be induced to commit an offence against the State or against the public tranquility; or that the speech was intended to incite any class or community of persons to commit any offence against any other class or community. As stated earlier, the speech had criticized the executive heads of the State and Central Governments. The speech at best suggests that the petitioners had made defamatory statements and therefore, this Court is of the view that Section 505 IPC is not attracted in the facts of the case.



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6. As regards the offence under Section 188 IPC, it is well settled that no final report can be filed for the said offence.

7. In view of the above discussion, this Court is of the view that the impugned final report in C.C.No.26 of 2020 is liable to be quashed and is accordingly quashed.

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

25.09.2025

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

To

1.The Judicial Magistrate Court No.I,
Padmanabhapuram at Kanyakumari District.

2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari 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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