



Crl.O.P.(MD) No.16567 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.16567 of 2025

and

Crl.M.P.(MD) Nos.13477 & 13481 of 2025

- 1.T.Nirmalraj
 - 2.S.Prabakar
 - 3.M.Gunasekaran
 - 4.R.Stalin
 - 5.K.Manikandan
 - 6.S.Krishnan @ Ramakrishnan
 - 7.R.Murugesan
 - 8.S.Ganesan
 - 9.R.Prasanth @ Rajendraprasath
 - 10.P.Dinesh
 - 11.S.Sarathkumar
- ... Petitioners

Vs.

- 1.The State of Tamil Nadu rep. by
The Inspector of Police,
Karur Town Police Station,



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Karur District.

(Crime No.346 of 2018)

2.Banumathi

Nursing Superintendent Grade-I,
Duty Medical Officer,
Karur Medical College Hospital,
Karur - 639 001.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned charge sheet in C.C.No.106 of 2021 pending on the file of the learned Judicial Magistrate No.I, Karur and quash the same so far as the petitioners/A1 to A11.

For Petitioners : Mr.K.Vamanan

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.106 of 2021 on the file of the learned Judicial Magistrate No.I, Karur, filed against the petitioners for the offences punishable under Sections 341, 143 and 353 of the Indian Penal Code, 1860.



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2. The gist of the allegations in the impugned final report is that the petitioners, aggrieved over the death of the eighth petitioner's son and under the impression that the death was due to the negligence of the doctors at the Karur Medical College Hospital, Karur, protested and caused disturbance to the patients and their attenders, and also prevented the hospital staff, who are Government employees, from performing their duties, and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that even assuming that the allegations are true, the offences would not be made out and relied upon the judgment of this Court 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*** in support of his submissions; that the eighth petitioner approached the State Human Rights Commission seeking compensation for the death of his son, and that the commission had ordered the compensation of Rs.3,00,000/- to the eighth petitioner and also directed the disciplinary action against the hospital authorities.



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4. The Additional Public Prosecutor for the first respondent, *per contra*, would submit that the petitioners participated in an unauthorised protest, caused disturbance to the patients, and prevented the hospital staff from performing their duties, and therefore, the impugned final report is not liable to be quashed.

5. In the instant case, it is seen that there was no criminal force used by the petitioners to prevent any public servant from discharging his duty. Hence, the offence under Section 353 of the Indian Penal Code, 1860, is not made out.

6. As regards the other offences i.e., the offences under Sections 341 and 143 of the Indian Penal Code, 1860, 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 held as follows:

“26. Crl.O.P.(MD).Nos. 11834, 15529, 15644, 15621, 16244, 16208, 16075 of 2018



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In all these cases, it is seen that a Final Report has been filed for an Offence under Section 188 and 143 of IPC and cognizance has also been taken by the concerned Judicial Magistrates. In view of the above discussion, the cognizance of the Final Report under Section 188 of IPC is liable to be quashed. Insofar as the offence under Section 143 of IPC is concerned, in all the cases, the concerned Police Officer has quoted Section 30(2) of the Police Act, and therefore, has straight away proceeded to register an FIR under Section 143 of IPC. As stated above, a mere violation of the so-called promulgation under Section 30(2) of the Police Act will not make out an offence under Section 143 of IPC by straight away declaring an assembly of persons to be an unlawful assembly. The power under Section 30(2) of the Police Act is merely regulatory in nature. In fact, Section 32 of the Police Act itself provides for a penalty for disobeying an order issued under Section 30(2) of the Police Act with a punishment of a fine not exceeding 200 rupees. Where as an offence under Section 143 of IPC is punishable with imprisonment for a term which may extend to 6 months. Therefore, a violation of the so-called promulgation under Section 30(2) of the Police Act will not by itself constitute an offence under Section 143 of IPC. In all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a 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.

2. Therefore, the Final Report for an offence under Section 143 of IPC is hereby quashed. Accordingly, all the Criminal Original petitions are



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allowed, and the Final Report filed in each of the case is hereby quashed.”

7. That apart, as stated by the learned counsel for the petitioners, it is seen that the State Human Rights Commission had confirmed that the negligence was on the part of the hospital and directed payment of compensation, besides directing disciplinary action against the doctors.

8. In the light of the above, this Court is of the view that the impugned prosecution is liable to be quashed. Accordingly, it is quashed. This Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Judicial Magistrate No.I,
Karur.

2.The Inspector of Police,
Karur Town Police Station,
Karur District.



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



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SUNDER MOHAN, J.

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