



CRL OP(MD). No.16933 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16933 of 2025

1. Abbas Manthre

2. Mohammed Shajakhan

... Petitioners

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar,
Tamilnadu-626 117.
Crime No.464 of 2023.

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records in Crime No.464 of 2023 before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and quash the same as illegal as against the petitioners.

For Petitioners : Mr.A.Rajamohamed,
Advocate

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



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.464 of 2023 on the file of the respondent police, which was filed for the offences under Section 143 and 290 of IPC.

2.The allegation in the FIR 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 SCC OnLine Mad 13698* in support of his submissions.



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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 FIR is justified. He would further submit that investigation in this case has been completed and a final report has been filed before the learned Judicial Magistrate, Rajapalayam.

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 offence under Section 143 of IPC, this Court had held as follows:

"35.Crl.O.P.(MD)No.11836 of 2018:-

In this case, the Final Report has been filed only for an offence under Section 143 of Cr.P.C and the Court below has taken cognizance of the Final Report. A reading of the allegations made in the Final Report



would show that a group of persons were agitating for non supply of the essential commodities in a ration shop. In this case, the FIR was registered under Section 143 and 188 of IPC. The Final Report was filed for an offence under Section 143 of IPC. Insofar as the offence under Section 143 of IPC is concerned, 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 this case, the assembly of persons were made to express dissatisfaction of 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."



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7. The above observations of this Court would squarely apply to the facts of the instant case. Further, there is nothing to indicate that the petitioners intended to cause public nuisance. Hence, the offence under Section 290 of IPC would not be made out and no useful purpose would be served in continuing the prosecution.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.464 of 2023 and the consequential final report are liable to be quashed and are accordingly quashed.

9. In the result, this Criminal Original Petition is allowed.

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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TO

1.The Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar.



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SUNDER MOHAN,J

cp

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

ORDER
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Date : 13/10/2025