



CrI.O.P.(MD)No.17120 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.O.P.(MD).No.17120 of 2025

and

CrI.M.P.(MD).No.13959 of 2025

Selvakumar

... Petitioner/Accused No.3

Vs.

State of Tamil Nadu Rep. through its
Inspector of Police,
South Gate Police Station,
Madurai District.
(Crime No.415 of 2023)

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the First Information Report in Crime No.415 of 2023 on the file of the respondent police and quash the same in so far as the petitioners are concerned.

For Petitioner : Mr.Niranjan S.Kumar

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



Crl.O.P.(MD)No.17120 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.415 of 2023 on the file of the respondent Police, which was filed for the offences under Sections 143, 341 and 290 of I.P.C.

2. The allegation in the impugned FIR is that the petitioner, 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 petitioner would submit that the petitioner, along with others, was exercising his 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.

4. The learned Additional Public Prosecutor appearing for the respondent, per contra, would submit that the petitioner, 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.



5. Admittedly, the petitioner, 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 and 341 of IPC, this Court had held as follows:

"42. 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 IPC 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. Further, there is nothing to indicate that the petitioner 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



Crl.O.P.(MD)No.17120 of 2025

the prosecution.

WEB COPY

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.415 of 2023, dated 07.09.2023 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.

14.10.2025

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

Indu

To

1.The Inspector of Police,

4/6



Crl.O.P.(MD)No.17120 of 2025

South Gate Police Station,
Madurai District.

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



WEB COPY



Crl.O.P.(MD)No.17120 of 2025

SUNDER MOHAN, J.

Indu

Crl.O.P(MD).No.17120 of 2025

14.10.2025