



CRL OP(MD). No.16955 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.16955 of 2025
and
CrI.M.P(MD).No.13794 of 2025**

Arasupandi,

... Petitioner

Vs

The Sub-Inspector of Police,
K.Pudur Police Station,
Madurai District.

... Respondent

PRAYER :- Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the First Information Report in Crime No. 428 of 2025 on the file of the respondent police and Quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.Niranjan S. Kumar,
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.428 of 2025 on the file of the first respondent police, registered for the offences under Sections 189(3), 189(5) and 285 of BNS, 2023 (corresponding to Sections 145, 151 and 283 of the IPC).

2. The allegation in the 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, were exercising their right to assemble peacefully, which could not, by any stretch of imagination, constitute the offences alleged.

4. The Additional Public Prosecutor for the respondent, per contra, would submit that the petitioner, along with others, participated in the protest and caused obstruction to traffic, besides causing nuisance and



disturbance to the general public; and that they had no valid permission to engage in the protest and therefore, the impugned final report is justified.

5. This Court had in *Jeevanandam & Ors Vs State* reported in **2018 SCC Online Mad 13698** stated that, an assembly of persons intending to protest shall not be declared as an unlawful assembly and the relevant portion reads as follows:

“**35.** 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,



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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.

6. If the assembly of persons cannot be unlawful assembly, the continuation of a person in the said assembly after it had been commanded to disperse, would not attract the offences under Sections 189(3), 189(5) and 285 of BNS (corresponding to Section 145, 151, and 283 of IPC). Further, there is nothing in the FIR to show that the petitioner had caused nuisance to the general public. Consequently, the allegations made against the petitioner do not warrant any penal action.



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

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

13.10.2025

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

1.The Sub-Inspector of Police,
K.Pudur Police Station,
Madurai District.

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

SUNDER MOHAN,J

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**ORDER
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