



Crl.O.P.(MD)No.17091 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17091 of 2025

and

Crl.M.P.(MD).No.13942 of 2025

Selvakumar

... Petitioner/Accused No.1

Vs.

State Rep. through its
The Inspector of Police,
Thirupparangundram Police Station,
Madurai District.
(Crime No.653 of 2024)

...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.653 of 2024 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

ORDER

This Criminal Original Petition has been filed to quash the impugned First Information Report in Crime No.653 of 2024 on the file of the respondent



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Police, which was filed for the offences under Section 189(2), 120(2), 292 and 132 of BNS (corresponding to Sections 143, 331, 290 and 353 of IPC).

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 unauthorised 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 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 IPC 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."

7. The above observations of this Court would squarely apply to the facts of the instant case. Further, there is no allegation of assault or criminal force to deter any public servant from discharging his duty although there is allegation that second respondent was prevented from performing his duty. In the absence of assault or criminal force, the offence under Section 353 of IPC would not be made out.

8. Further, there is nothing to indicate that the petitioner intended to cause public nuisance. Hence, the offence under Section 290 of the IPC would not be made out. There is nothing to suggest that the petitioner intended to cause grievous hurt to anyone. Hence, the offence under Section 331 of the IPC would not be made out and no useful purpose would be served in continuing the prosecution.



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9. 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.

10. 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,
Thirupparangundram Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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