



CRL OP(MD). No.16928 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 13/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.16928 of 2025
and
CrI.M.P(MD) No.13746 of 2025

Robinson

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.381/2025).

2. Perumal

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Crime No.381 of 2025 pending investigation on the file of the first respondent police and quash the same as against the petitioner.

For Petitioner : Mr.P.Suresh,
Advocate

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor



CRL OP(MD), No.16928 of 2025

ORDER

WEB COPY

The petitioner seeks to quash the impugned FIR in Crime No.381 of 2025 on the file of the first respondent police for the alleged offences under Sections 189(2), 126(2) and 285 of BNS (corresponding to Sections 143, 341 and 283 of IPC).

2.The allegation in the FIR is that the petitioner along with other accused, indulged in a protest without valid permission and caused nuisance and disturbance to the general public, besides causing obstruction to traffic and thus, committed the aforesaid offences.

3.The learned counsel for the petitioner would submit that the petitioner ought not to have been prosecuted for the aforesaid offences, as the allegations would not constitute the said offences. In support of his contentions, the learned counsel 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 *2018-2-L.W.(Crl.) 606*.



CRL OP(MD), No.16928 of 2025

4.The learned Additional Public Prosecutor appearing for the respondent police, 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. He would further submit that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate No.I, Radhapuram, which is yet to be taken on file and opposed the prayer of the petitioner.

5.The admitted fact is that the petitioner, along with others, engaged in a protest. The question is whether the assembly of persons and their protest on an issue 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 Cr.P.C. 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 no allegation in the impugned FIR to show that the act committed by the petitioner had caused danger or injury to any person, which is a necessary ingredient for the offence under Section 285 of BNS (corresponding to Section 283 of IPC).



CRL OP(MD). No.16928 of 2025

8.Since the allegations do not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.381 of 2025 and the consequential final report are liable to be quashed and are accordingly quashed.

9.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
cp

TO

1.The Judicial Magistrate No.I, Radhapuram.

2.The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.

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



WEB COPY



CRL OP(MD). No.16928 of 2025

SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.16928 of 2025

Date : 13/10/2025