



Crl.O.P.(MD)No.17936 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.17936 of 2025

and

Crl.MP(MD).Nos.14738 and 14741 of 2025

1.Thangavel

2.Magudapathi

3.Dheenasenan

4.Raja

5.Sundari

6.Manokaran

7.Shanmugam

8.Murugesan

9.Baskar

10.Eswaran

... Petitioners / Accused

Vs.

1.The State of Tamil Nadu Rep. By,
The Sub Inspector of Police,
K.Paramathi Police Station,
Aravakurichi,
Karur District.

... 1st Respondent / Complainant



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2.Udayakumar,
Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in STC.No.448 of 2023, U/s. 143, 283 of IPC pending trial on the file of the learned before the learned Judicial Magistrate, Aravakurichi and quash the same as against the petitioners.

For Petitioner : Mr.M.Saravanan
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report filed by the first respondent against the petitioners for the offences punishable under Sections 143 and 283 of the Indian Penal Code, 1860, in S.T.C.No.448 of 2023 on the file of the learned Judicial Magistrate, Aravakurichi.

2. The allegation in the final report against the petitioners is that the petitioners indulged in a protest without valid permission and caused nuisance



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and disturbance to the general public, besides causing obstruction to traffic.

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3. The learned counsel for the petitioners would submit that the petitioners, were exercising his right to assemble peacefully, which would not, by any stretch of imagination, attract the offences alleged. He would rely upon the judgment of this Court in ***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*** in support of his submissions.

4. The Additional Public Prosecutor for the first respondent, per contra, would submit that the petitioners participated in an unauthorised protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public, and therefore, the impugned final report is not liable to be quashed.

5. Admittedly, the petitioners 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 188 of the



Indian Penal Code, this Court had held as follows:

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“26. Crl.O.P.(MD).Nos. 11834, 15529, 15644, 15621, 16244, 16208, 16075 of 2018

In all these cases, it is seen that a Final Report has been filed for an Offence under Section 188 and 143 of IPC and cognizance has also been taken by the concerned Judicial Magistrates. In view of the above discussion, the cognizance of the Final Report under Section 188 of IPC is liable to be quashed. Insofar as the offence under Section 143 of IPC is concerned, in all the cases, 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 all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a 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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2. Therefore, the Final Report for an offence under Section 143 of IPC is hereby quashed. Accordingly, all the Criminal Original petitions are allowed, and the Final Report filed in each of the case is hereby quashed.”

7. The above observations would squarely apply to the facts of this case. Further, there is nothing to suggest the commission of an offence under Section 283 of the IPC. Even otherwise, the alleged acts caused only slight harm and the offence itself is punishable with the imposition of a fine of Rs.200/-. No useful purpose would be served by continuing the prosecution.

8. Hence, this Court is inclined to quash the impugned prosecution and accordingly quashed the same.

9. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

23.10.2025

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

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To

- 1.The Sub Inspector of Police,
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Aravakurichi,
Karur District.
- 2.The Sub Inspector of Police,
Thuraiyur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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