



Crl.O.P.(MD) No.17564 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.10.2025

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL.O.P (MD) No.17564 of 2025

and

CRL.M.P (MD) Nos.14310 and 14308 of 2025

Dinesh Kumar

... Petitioner

Vs

**1. The State of Tamil Nadu, Rep. by its
the Inspector of Police,
Jaihindupuram Police Station,
Jaihindupuram,
Madurai.**

**2. Karthikeryan,
The Sub Inspector of Police,
Jaihindupuram Police Station,
Jaihindupuram,
Madurai.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS praying to call for the entire records connection with case in STC No.9146 of 2025 on the file of Learned Judicial Magistrate No.IV, Madurai and quash the same as against the petitioner herein / Accused No.18



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For Petitioner : Mr.Niranjan S. Kumar,
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.9146 of 2025 on the file of the learned Judicial Magistrate No.IV, Madurai, which was filed for the offences under Section 189(2), 126(2) and 292 of BNS (corresponding to Section 143, 341 and 290 of IPC).

2. The allegation in the final report 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*,



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Velayuthampalayam Police Station, Karur District and another, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Government Advocate (Crl.Side) 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 final report 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 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 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 the prosecution.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned final report in S.T.C.No.9146 of 2025 is liable to be quashed and is accordingly quashed.



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9. In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions are closed.

22.10.2025

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

To

1.The Judicial Magistrate No.IV, Madurai.

2.The Inspector of Police,
Jaihindupuram Police Station,
Jaihindupuram,
Madurai.

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



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SUNDER MOHAN, J.

LR

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