



CRL OP(MD). No.18455 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.(MD). No.18455 of 2025

1. S.Ahamed Haja,
2. M.Bazeer Ahamed @ Basheer Ahamed
3. S.Ahamed Aslam,
4. N.Mohamed Pukari @ Mohamed Buhari
5. S.Mohamed Rasith,
6. M.Nalla Abubacker @ Nalla Aboobacker
7. L.Mohamed Sugaibu @ Mohamed Suhaibu
8. A.Rajbu Mohaideen @ Rajabu Mohideen
9. A.Thajudeen,
10. M.Munavar @ Munavvar,
11. S.Shiek Athif @ Mohamed Sekkathi
12. N.Sheik Davudhu @ Shaik Dawood
13. A.Sheik Umar,
14. S.Nijammudeen,
15. N.Sajitha,
16. A.Sovutha @ Southa,
17. B.Fathima,
18. A.Marliya,
19. A.Bazhiha @ Faseeha,

... Petitioners

Vs.

1. The State of Tamilnadu,
Rep by the Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District,
Crime No.595/2022.

2. G.Santhosh Kumar,

... Respondents



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PRAYER :- This Petition is filed under Section 528 BNSS, to call for the records pertaining to the F.I.R. in Crime No..595/2022 on the the file of 1st respondent police station and quash the same as it has no prima facie case as against the petitioners.

For Petitioners : Mr.I.Kalantaraasik Ahamadu,

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side) for R1

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.595 of 2022 on the file of the first respondent, which was registered for the offences under Section 143, 341, 188, 290 and 291 of IPC.

2. The allegation in the FIR is that the petitioners, 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 petitioners would submit that the petitioners, along with others, was exercising their right to assemble peacefully, which could not, by any stretch of imagination, constitute the



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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 **2018-2-L.W.(Crl.) 606** in support of his submissions.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent, per contra, would submit that the petitioners, along with others, participated in an unauthorized protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and therefore, the impugned FIR is justified. He would further submit that the first petitioner / A2 has 13 previous cases out of which, 11 cases are similar in nature and two of them under Section 323, 294(b) and 506(ii) I.P.C and since the first petitioner is the habitual offender always indulging in illegal protest the petition may be dismissed.

5. The learned counsel for the petitioners has now filed the affidavit of the first petitioner, which reads as follows:

3. I humbly submit that since I am involved in demonstrating protest, further I came to know that I have



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several cases in similar types, I am filing this undertaking affidavit hereafter I will never indulge in illegal protest future. I swear that in further I will never involve in illegal protest. It is therefore that this Hon'ble Court may be pleased to take the undertaking affidavit on the file of this Hon'ble Court and thus render justice.

6. Admittedly, the petitioners, along with others, participated in a protest. The question is whether such an act would constitute the offences alleged by the prosecution.

7. 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, 341 and 188 of IPC, this Court had held as follows:

32.Crl.O.P.(MD)Nos. 12684, 15710 and 15709 of 2018

In all these cases, a Final Report has been filed for an offence under Section 143, 341 and 188 of IPC. A Final Report cannot be filed for an offence under Section 188 of IPC, and the Court below ought not to have been taken cognizance. In view of the above discussion, the Final Report insofar as an offence under Section 188 IPC is concerned is hereby quashed. Insofar as the offence under Section 143 IPC



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is concerned, the allegation is that the assembly had raised slogans demanding for the rights of the farmers, and expressed opposition not to establish a godown and this according to the Police was done, when there was a prohibitory order under Section 30(2) of the Police Act, 1861. In the considered view of this Court, this will not constitute an offence under Section 143 of IPC.

2.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.”

8. 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 offences under Section 290 and 291 of the IPC would not be made out and no useful purpose would be served in continuing the prosecution.



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9. This Court is constrained to observe that though the petitioners have a right to protest, this illegal protest cannot be justified. The first petitioner has filed an Affidavit of undertaking as stated above. In view of the affidavit filed by the first petitioner and since the allegations do not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.595 of is liable to be quashed and is accordingly quashed.

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

07.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
LS/ars

To

- 1.The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

LS/ars

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