



CRL OP(MD). No.17524 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 14/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.17524 of 2025

and

Crl.M.P(MD) Nos.14276 and 14277 of 2025

1. Pon Raj
2. Maria Stephen
3. Rejinald
4. Jaya Chandran
5. Anto Cletus Raj
6. Justin
7. Binu Kumari
8. Jeron
9. Vijayakumar
10. Abilash
11. Vijaya Varma Maharaja
12. Jebin G Brit
13. Satheesh Kumar



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14. Vinu

... Petitioners

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Vs

1.The State of Tamilnadu,
Rep by the Inspector of Police,
Thuckalay Police Station, Thuckalay,
Kanyakumari District,
Crime No.450/2025.

2.Emmanuvel,
Sub Inspector of Police,
Thuckalay,
Kanyakumari District.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records and quash the charge sheet in STC No.1667 of 2025 pending on the file of the learned Judicial Magistrate No.I, Padbanabapuram, Kanyakumari District.

For Petitioners : Mr.G.Cenil
Advocate.

For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in STC No.1667 of 2025 on the file of the learned Judicial Magistrate No.I, Padbanabapuram, Kanyakumari District, which



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was filed for the offences under Sections 126(2) and 189(2) BNS
(Corresponding to Sections 143 and 341 of IPC)

2. The allegation in the charge sheet 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, were exercising their 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 police, 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 charge sheet is justified.

5. 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.

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.



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7.The above observations of this Court would squarely apply to the facts of the instant case. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned charge sheet is liable to be quashed and is accordingly quashed.

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

Consequently, connected miscellaneous petitions are closed.

14.10.2025

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

1.The Judicial Magistrate No.I,
Padbanabapuram, Kanyakumari District.

2.The Inspector of Police,
Thuckalay Police Station, Thuckalay,
Kanyakumari District.

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

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SUNDER MOHAN,J

cp

ORDER
IN
CRL OP(MD) No.17524 of 2025

Date : 14/10/2025