



CRL OP(MD). No.18430 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/10/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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and

CrI.M.P(MD) No.15180 of 2025

1. Sundharam

2. Kennadi

3. Shanmugasuntharam

4. Rajkumar

5. Palaniyappan

... Petitioners

Vs

1.The State of Tamilnadu
Rep by Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
Crime No.406/2022.

2.P.Balamani,
Special Sub Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528
BNSS, to call for the records relating to C.C.No.56 of 2025 on the file of



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the Judicial Magistrate, Viralimalai and quash the same as against
petitioners are concerned.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy,
Advocate.
For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in C.C.No.56 of 2025 on the file of the learned Judicial Magistrate, Viralimalai, which was filed for the offences under Sections 143 and 283 of IPC.

2. The allegation in the final report against the petitioners 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



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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 appearing for the first respondent, per contra, would submit that the petitioners, 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 not liable to be quashed.

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 offence under Section 143 of the Indian Penal Code, this Court had held as follows:



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"35.Crl.O.P.(MD)No.11836 of 2018:-

In this case, the Final Report has been filed only for an offence under Section 143 of Cr.P.C and the Court below has taken cognizance of the Final Report. A reading of the allegations made in the Final Report would show that a group of persons were agitating for non supply of the essential commodities in a ration shop. In this case, the FIR was registered under Section 143 and 188 of IPC. The Final Report was filed for an offence under Section 143 of IPC. Insofar as the offence under Section 143 of IPC is concerned, 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 this case, the assembly of persons were made to express dissatisfaction of 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



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fundamental rights guaranteed under the Constitution."

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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/-. Hence, 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 is liable to be quashed and is accordingly quashed.

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

27.10.2025

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

SUNDER MOHAN,J



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To

1.The Judicial Magistrate,
Viralimalai.

2.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

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

ORDER
IN

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Date : 27/10/2025