



Crl.O.P.(MD) No.19046 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

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**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD) No.19046 of 2025**

and

**Crl.M.P.(MD) No.15845 of 2025**

Rajamadhan

... Petitioner

Vs.

The State of Tamil Nadu rep. by  
The Inspector of Police,  
M.Murugan,  
Thirupparangundram Police Station,  
Madurai District.  
(Crime No.575 of 2022)

... Respondent

**Prayer** : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the impugned First Information Report in Crime No.575 of 2022 on the file of the respondent police and quash the same, insofar as the petitioner/A60 is concerned

For Petitioner : Mr.Niranjan S.Kumar

For Respondent : Mr.K.Sanjai Gandhi  
Government Advocate (Crl. Side)

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## **ORDER**

This Criminal Original Petition has been filed seeking to quash the impugned FIR in Crime No.575 of 2022, on the file of the respondent police, registered against the petitioner/A60 and others, for the offences punishable under Sections 143, 341 and 290 of the Indian Penal Code, 1860.

2. The gist of the allegations in the impugned FIR is that, with regard to the lighting of the lamp in the Deepathone [தீபத்தூண்] on the Tiruparankuntram Hill, the petitioner, along with others, participated in a protest even though the permission sought by the Leader of the Hindu Munnani Political Party had been rejected, caused nuisance and disturbance to the general public and obstructed traffic.

3. The learned counsel for the petitioner would submit that the petitioner, along with others, was 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*,



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***Velayuthampalayam Police Station, Karur District and another,***

reported in ***2018-2-L.W.(Crl.) 606*** in support of his submissions. Further, the petitioner filed an affidavit undertaking that he would not indulge in any illegal activities in the future.

4. The learned Government Advocate (Criminal Side) for the respondent police, *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 FIR cannot be quashed at the stage of investigation.

5. Admittedly, the petitioner, along with others, participated in a protest. 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 the Indian Penal Code, 1860, 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*



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*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 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.”*

6. The above observations of this Court would squarely apply to the facts of the present case insofar as the petitioner alone is concerned. There is no evidence to suggest that petitioner had caused nuisance to the general public in any manner, and therefore, the offence under Section 290 of the Indian Penal Code, 1860 would also not be made out. Apart



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from that, the petitioner filed an affidavit undertaking that he would not indulge in any illegal activities in the future.

7. In the light of the above, this Court is of the view that the impugned FIR is liable to be quashed insofar as the petitioner alone is concerned. Accordingly, it is quashed only as against the petitioner. This Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

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JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

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



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**SUNDER MOHAN, J.**

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