



**Crl.O.P.(MD)No.18373 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.10.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.18373 of 2025**

**and**

**Crl.M.P(MD)Nos.15087 & 15088 of 2025**

1.Raja

2.Santhakumar

... Petitioners/Accused Nos.3 & 7

**Vs.**

1.The State of Tamil Nadu Rep. by,  
The Inspector of Police,  
Thisayanvilai,  
Tirunelveli District.  
(Crime No.157/2019)

... 1<sup>st</sup> Respondent/Complainant

2.Selvakumar,  
The Village Administrative Officer,  
Thisayanvilai,  
Tirunelveli District.

... 2<sup>nd</sup> Respondent/Defacto Complainant

**Prayer:** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the case in S.T.C.No.229 of 2020 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District and quash the same as against the petitioners.

For Petitioners : Mr.R.Anand

For R-1 : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor



**Crl.O.P.(MD)No.18373 of 2025**

## **ORDER**

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.229 of 2020 on the file of the learned Judicial Magistrate, Radhapuram, Tirunelveli District, which was filed for the offences under Section 143, 341 and 294(b) of IPC.

2. The allegation in the final report is that the petitioners, along with others, indulged in a protest demanding arrest of the persons responsible for the accident, without valid permission and caused nuisance and disturbance to the general public, besides causing obstruction to traffic; and that they had raised slogans abusing the driver and owner of the lorry, which was involved in the accident, in filthy language.

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 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 final report 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 IPC since any form of an agitation, will necessarily cause some hindrance to the*



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*movement of the general public for sometime. That by itself, does not constitute an offence of a wrongful restraint. "*

7. In order to attract the offence under Section 294(b) of IPC, the person must have done any obscene act or uttered any obscene words etc., to the annoyance of others. The Hon'ble Supreme Court in the case of ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in (2022) 17 SCC 818 has held as follows:

*"8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.*

*9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by*



**Crl.O.P.(MD)No.18373 of 2025**

*the appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out."*

8. The above observations of this Court and the Hon'ble Supreme Court would squarely apply to the facts of the instant case. In any case, the harm caused by the petitioners is slight in nature and therefore, they would be entitled to benefit under Section 95 of IPC. Hence, no useful purpose would be served in continuing the prosecution.

9. 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.229 of 2020 is liable to be quashed and is accordingly quashed.

10. 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  
Lm



**Crl.O.P.(MD)No.18373 of 2025**

To

1. The Judicial Magistrate,  
Radhapuram, Tirunelveli District.
2. The Inspector of Police,  
Thisayanvilai,  
Tirunelveli District,
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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***Crl.O.P.(MD)No.18373 of 2025***

**SUNDER MOHAN, J.**

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**Crl.O.P(MD).No.18373 of 2025**

**27.10.2025**