



Crl.O.P.(MD) No.19343 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.19343 of 2025

and

CrI.M.P.(MD) No.16202 of 2025

- 1.Sikkandar
- 2.Syed Ali Badhusha
- 3.Jawahar Ali
- 4.Abulies
- 5.Abbas Manthari
- 6.Lukman Hakkim
- 7.Mohamed Hanifa
- 8.Jaheer Hussain
- 9.Abdul Basith
- 10.Shiek Mydeen
- 11.Sathak Abdulla
- 12.Mohamed Sulthan
- 13.Shahul Hameed



Crl.O.P.(MD) No.19343 of 2025

WEB CODE

14.Jamal mydeen

15.Syed Ali Badhusha

16.Nagoor kani

17.Mohamed Ibrahim

18.Thajathin

19.Kaja Sherif

20.Mohaideen Pitchai

21.Sheik Natheem

22.Noor Mohamed

23.Mohamed Kani

24.Sathik Mydeen

25.Mohamed Aslam

26.Syed Ali

27.Mydeen

28.Shiek Meeran

29.Musabar Ahamed

30.Abdul Ajees

31.Abusaliq

32.Ahamed Kabeer

33.Ayyub Khan



Crl.O.P.(MD) No.19343 of 2025

34.Peer Mydeen

35.Sajhig Ali

36.Asan Mydeen

37.Mohamed Ali

38.Jaheer Hussain

39.Shiek Mohamed Oli

40.Abdul Kadhar

41.Diwan Oli

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Sub-Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.522 of 2024

2.Mr.Suresh
Village Administrative Officer,
Tenkasi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in S.T.C.No.105 of 2025, on the file of the learned Judicial Magistrate, Tenkasi and quash the same as illegal as against the petitioners and others.

For Petitioners : Mr.A.Syed Abdul Kather



Crl.O.P.(MD) No.19343 of 2025

For R1

: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.105 of 2025, on the file of the learned Judicial Magistrate, Tenkasi, filed by the first respondent against the petitioners and others for the offences punishable under Sections 189(2), 223 and 229 of the Bharatiya Nyaya Sanhita (BNS), 2023 [corresponding to Sections 143, 188 and 291 of the Indian Penal Code, 1860].

2. The allegation in the final report 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



Crl.O.P.(MD) No.19343 of 2025

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 Additional Public Prosecutor for the first respondent police, *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 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, 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.



Crl.O.P.(MD) No.19343 of 2025

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 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.”

7. The above observations of this Court would squarely apply to the facts of the present case. Therefore, the offences under Sections 189(2) and 223 of the Bharatiya Nyaya Sanhita, 2023 [corresponding to Sections 143 and 188 of the Indian Penal Code, 1860] would not be made



Crl.O.P.(MD) No.19343 of 2025

out. Further, there is nothing to indicate that the petitioners intended to cause public nuisance. Hence, the offence under Section 229 of the Bharatiya Nyaya Sanhita, 2023 [corresponding to Section 291 of the Indian Penal Code, 1860] would also not be made out. Therefore, this Court is of the view that no useful purpose would be served by continuing the prosecution. Therefore, the impugned prosecution is quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

04.11.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate, Tenkasi.
- 2.The Sub-Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.19343 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.19343 of 2025

04.11.2025