



Crl.O.P.(MD) No.18555 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18555 of 2025

and

CrL.M.P.(MD) Nos.15317 & 15319 of 2025

Shanavas

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli.
(Crime No.31 of 2023)

2.Ravi
S/o.Name Not Known,
Special Sub-Inspector of Police,
V.K.Puram Police Station,
Tirunelveli.

... 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.936 of 2024 on the file of the learned Judicial Magistrate, Ambasamdaram and quash the same as illegal as far as the petitioner is concerned.



Crl.O.P.(MD) No.18555 of 2025

For Petitioner : Mr.K.Navaneetharaja
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed to quash the impugned final report filed by the first respondent against the petitioner and others for the offences punishable under Sections 143 and 283 of the Indian Penal Code, 1860, in S.T.C.No.936 of 2024 on the file of the learned Judicial Magistrate, Ambasamdaram.

2. The allegation in the final report is that the petitioner, along with others, had 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 petitioner would submit that the petitioner, along with others, was exercising his right to assemble 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*,



Crl.O.P.(MD) No.18555 of 2025

Velayuthampalayam Police Station, Karur District and another,

reported in ***2018-2-L.W.(Crl.) 606*** in support of his submissions.

4. The learned Government Advocate (Criminal Side) for the first respondent, *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 final report is not liable to be quashed.

5. Admittedly, the petitioner, 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 188 of the Indian Penal Code, this Court had held as follows:

“26. Crl.O.P.(MD).Nos. 11834, 15529, 15644, 15621, 16244, 16208, 16075 of 2018

In all these cases, it is seen that a Final Report has been filed for an Offence under Section 188 and



Crl.O.P.(MD) No.18555 of 2025

143 of IPC and cognizance has also been taken by the concerned Judicial Magistrates. In view of the above discussion, the cognizance of the Final Report under Section 188 of IPC is liable to be quashed. Insofar as the offence under Section 143 of IPC is concerned, in all the cases, 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 all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a 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.

2. Therefore, the Final Report for an offence under Section 143 of IPC is hereby quashed. Accordingly, all the Criminal Original petitions are allowed, and the Final Report filed in each of the case is hereby quashed.”



Crl.O.P.(MD) No.18555 of 2025

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/-. No useful purpose would be served by continuing the prosecution.

8. Hence, this Court is inclined to quash the impugned prosecution and accordingly quashes the same.

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

28.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

1.The Judicial Magistrate,
Ambasamdaram,
Tirunelveli District.



Crl.O.P.(MD) No.18555 of 2025

2.The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli.

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



WEB COPY



Crl.O.P.(MD) No.18555 of 2025

SUNDER MOHAN, J.

JEN

Crl.O.P.(MD) No.18555 of 2025

28.10.2025