



Crl.O.P.(MD)No.18556 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.18556 of 2025

and

Crl.M.P(MD).Nos.15316 and 15320 of 2025

Peer Masthan

... Petitioner / Accused No.1

Vs.

1.The State of Tamilnadu Rep by,
The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli.
(Crime No.76 of 2025).

... 1st Respondent / Complainant

2.Kumaresan,
S/o.Not Known,
Head Constable,
Cheranmahadevi Police Station,
Tirunelveli District.

... 2nd Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the Charge Sheet in S.T.C. No. 428 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi and quash the same as illegal in so far as the petitioner is concerned.



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For Petitioner : Mr.K.Navaneetharaja
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.428 of 2025 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, which was filed for the offences under Sections 189(2) and 287 of BNS (corresponding to Sections 143 and 285 of IPC).

2. The allegation in the impugned final report is that the petitioner, along with others, indulged in a protest without valid permission and burnt a copy of the waqf amendment bill and thus committed the aforesaid offences.

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

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4. The learned Additional Public Prosecutor appearing for the first respondent, per contra, would submit that the petitioner, along with others, participated in an unauthorised protest, burnt a copy of the waqf amendment bill and therefore, the impugned final report is justified.

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 of IPC, this Court had held as follows:

"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 IPC 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.



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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 fundamental rights guaranteed under the Constitution."

7. The above observations of this Court would squarely apply to the facts of the instant case. As far as the offence under Section 287 of BNS (Section 285 of IPC) is concerned, there are no any materials that the petitioner and others set fire or used any combustible material so as to endanger the human life. Even as per the prosecution case, the petitioner and others indulged in the protest and set fire to the copy of Waqf amendment bill. The said act would not attract the



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offence under Section 287 of BNS.

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8. Hence, 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.

28.10.2025

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

Indu

To

1.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli.

2.The Head Constable,
Cheranmahadevi Police Station,
Tirunelveli District.

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



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SUNDER MOHAN, J.

Indu/dk

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