



Crl.O.P.(MD) No.18661 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.18661 of 2025

and

Crl.M.P.(MD) Nos.15429 & 15431 of 2025

1.V.Murugan

2.Alagarsamy

3.Sakthivel

4.Chinnamannan

5.Isravel @ Murugan

6.Maruthan

7.Gurunathan

8.Packiya Samy @ Packiyaraj

9.Raman

10.Kuttiappan

11.Mookkammal

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,



Crl.O.P.(MD) No.18661 of 2025

Anna Nagar Police Station,
Madurai District.
(Crime No.1092 of 2015)

2.Mr.S.Murugan
Sub-Inspector of Police,
Anna Nagar Police Station,
Madurai 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 C.C.No.200 of 2016 on the file of the learned Judicial Magistrate No.VI, Madurai and quash the same as illegal.

For Petitioners : Mr.SMA.Jinnah

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in C.C.No.200 of 2016 on the file of the learned Judicial Magistrate No.VI, Madurai, filed against the petitioners for the offences punishable under Sections 143, 188 and 341 of the Indian Penal Code, 1860 and Section 7(1)(A) of Criminal Law Amendment Act, 2005.



Crl.O.P.(MD) No.18661 of 2025

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 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.



Crl.O.P.(MD) No.18661 of 2025

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. 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.



Crl.O.P.(MD) No.18661 of 2025

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 143, 188 and 341 of the Indian Penal Code, 1860 would not be made out.

8. Section 7(1)(A) of the Criminal Law Amendment Act, 2005 is not a penal provision. Even assuming that the prosecution intended to prosecute the petitioner under Section 7(1)(A) of the Criminal Law Amendment Act, 1932, there is nothing in the impugned final report to suggest the commission of the said offences. It is seen that the 1st respondent had mechanically included the said offence in the FIR and in the final report.



Crl.O.P.(MD) No.18661 of 2025

WEB COPY 9. Therefore, this Court is of the view that no useful purpose would be served by continuing the prosecution. Therefore, the impugned prosecution is quashed. This Criminal Original Petition is accordingly allowed. Consequently, the connected Miscellaneous Petitions are closed.

11.11.2025

JEN/ARS

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.18661 of 2025

SUNDER MOHAN, J.

JEN/ars

Crl.O.P.(MD) No.18661 of 2025

11.11.2025