



CRL OP(MD). 19881 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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and

CrI.MP(MD)No.16733 of 2025

Karuppaiah

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. By the Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.459 of 2023)

2. Hari Krishnan

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, 2023, to call for the entire records pertaining to the impugned First Information Report in Cr.No.459 of 2023 on the file of the 1st respondent police and quash as against the petitioner is concerned.

For Petitioner : Mr.R.Karunanidhi

For R1 : Mr.R.M.Anbunithi
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.459 of 2023 on the file of the first respondent, which was registered for the offences under Section 143, 283 and 290 of IPC.

2. The allegation in the FIR is that the petitioner, 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 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 ***2018-2-L.W.(Crl.) 606*** 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 unauthorized protest and caused obstruction to traffic, besides causing nuisance and disturbance to the general public. He would further submit that the investigation in this case has been completed and the final report has also been filed before the learned Judicial Magistrate No.I, Sivagangai, which is yet to be taken on file and opposed the prayer of the petitioner.

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 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 Cr.P.C and the



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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. 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



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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 regards the offence under Section 290 of IPC, there is nothing to indicate that the petitioner intended to cause public nuisance and further, there is no allegation in the impugned FIR to show that the act committed by the petitioner had caused danger or injury to any person, which is a necessary ingredient for the offence under Section 283 of IPC. Hence, the offences under Sections 283 and 290 of IPC would not be made out.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.459 of 2023 and



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the consequential, final report are liable to be quashed and are accordingly quashed.

9.In the result, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petition is closed.

11.11.2025

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

1. The Judicial Magistrate No.I, Sivagangai,
- 2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

cp

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