



CRL OP(MD). No.20068 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20068 of 2025

M.Pandithurai

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No.1239 of 2021).

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pertaining to the impugned FIR Crime No. 1239 of 2021 dated 22.12.2021, on the file of respondent police and to quash the same as illegal.

For Petitioner : Mr.S.S.Sundarapandian,
Advocate.

For Respondent : 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 Crime No.1239 of 2021, on the file of respondent police, which was registered for the offences under Sections 143, 353 and 341 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, 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 SCC OnLine Mad 13698 in support of his submissions.

4.The learned Additional Public Prosecutor appearing for the



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respondent police, 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; 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 and 341 of IPC, this Court had held as follows:

42. 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 instant case. As regards the offence under Section 353 of IPC, the maximum punishment that can be imposed on the petitioner is 2 years. The impugned FIR was registered on 22.12.2021 and the respondent ought to have filed the final report within a period of three years. The respondent police have no justifiable reason for the delay and therefore, even if they are now allowed to file final report, it would be barred by limitation.

8.For the aforesaid reasons, this Court is inclined to quash the impugned FIR. Accordingly, this Criminal Original Petition is allowed and the impugned FIR in Crime No.1239 of 2021, on the file of respondent police is quashed.

17.11.2025

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

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- 1.The Inspector of Police,
Town North Police Station,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

CP

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