



CRL OP(MD). No.19844 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19844 of 2025
and
CrI.M.P(MD) No.16675 of 2025

Udhuman

... Petitioner

Vs

1. State of Tamilnadu Rep by
Inspector of Police,
Gandhi Market Police Station,
Trichy District.
(in Crime No.664 of 2019)

2. Thangamani

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case registered in FIR in Crime No.664/2019 and quash the same as illegal in so far as the petitioner herein is concerned.

For Petitioner : Mr.A.Sheik Nasurdeen,

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



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ORDER

This Criminal Original Petition has been filed seeking to quash the FIR in Crime No.664 of 2019 on the file of the first respondent police, which was registered for the offences punishable under Sections 143, 341, 283 of the Indian Penal Code, 1860 and Sections 41(A) and 71A(1) of the Tamil Nadu City Police Act, 1888.

2.The gist of the allegations in the FIR is that the petitioner, along with others, indulged in a protest against the verdict of Apex Court regarding Babari Masjid case 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*,



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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 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 FIR 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



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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. There is nothing in the impugned FIR to suggest that the petitioner had caused nuisance to the general public in any manner and hence, the offence under Section 283 of IPC would not be made out and no useful purpose would be served in continuing the prosecution. Further, the allegation does not constitute any of the offences including the offences under Sections 41(A) and 71A(1) of the Tamil Nadu City Police Act, 1888.



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8. In the result, this Criminal Original Petition is allowed and the impugned FIR in Crime No.664 of 2019 on the file of the first respondent police is quashed. Consequently, the connected Miscellaneous Petition is closed.

11.11.2025

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

1.The Inspector of Police,
Gandhi Market Police Station,
Trichy 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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