



CRL OP(MD). No.20069 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 17/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20069 of 2025
and
CrI.M.P(MD) No.16953 of 2025

1. Charles

2. Bharath

... Petitioners

Vs

1.The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No. 158 of 2013.

2.Ramakrishnan

... Respondents

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pertaining to the FIR in Crime No. 158 of 2013 on the file of the first respondent police and quash the same in so far as the petitioner concerned.

For Petitioner : M/s.A.Banumathy,
Advocate.

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



CRL OP(MD). No.20069 of 2025

ORDER

WEB COPY

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.158 of 2013, on the file of first respondent police, which was registered for the offences under Sections 143, 341, 294(b), 353 and 188 of IPC.

2.The allegation in the FIR 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 petitioner had engaged in a protest; that none of the offences are made out; that the petitioners have sought for quashing of the FIR in CrI.O.P(MD) No.7831 of 2025; that this Court had dismissed the said petition after recording the submission of the learned Additional Public Prosecutor that the charge sheet had already been filed; that charge sheet has not been filed so far. He would rely upon the judgment of this Court in the case of *Jeevanandham and others vs. State rep. by Inspector of*



CRL OP(MD), No.20069 of 2025

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 respondent police would submit that the petitioners, 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 charge sheet has now been filed on 12.11.2025 before the learned Judicial Magistrate No.V, Tirunelveli; that it was inadvertently stated in the earlier petition that the charge sheet had been filed when this Court heard the matter on 28.04.2025.

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, 188



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

WEB COPY

Crl.O.P.(MD) No. 15655 of 2018

40. In this case, an FIR has been registered as against 102 persons for an offence under Section 341, 143 and 188 of IPC. A reading of the FIR does not make out an offence under Section 341 and 143 of IPC. No FIR can be registered by the respondent Police for an offence under Section 188 of IPC Accordingly, the FIR in Crime No. 99 of 2018 is hereby quashed and Crl.O.P. No. 15655/2018 stands allowed.

Crl.O.P.(MD) Nos. 12684, 15710 and 15709 of 2018

41. 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



CRL OP(MD), No.20069 of 2025

offence under Section 143 of IPC.

WEB COPY

7.The above observations of this Court would squarely apply to the facts of the instant case. Further, as regards the offences under Sections 294(b) and 353 of IPC, the maximum punishment that can be imposed on the petitioner is two years. The impugned FIR was registered on 10.04.2013 and the respondent police ought to have filed the final report within a period of three years. The respondent police have no justifiable reason for the delay in filing the final report and therefore, the final report is barred by limitation

8.For the aforesaid reasons, this Court is of the view that the impugned FIR and the consequential final report are liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the impugned FIR in Crime No.158 of 2013, on the file of first respondent police and the consequential final report are quashed. Consequently, connected miscellaneous petition is closed.

17.11.2025

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

5/7



CRL OP(MD). No.20069 of 2025

WEB COPY

TO

- 1.The Judicial Magistrate No.V, Tirunelveli.
- 2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD). No.20069 of 2025

SUNDER MOHAN,J

CP

ORDER
IN
CRL OP(MD) No.20069 of 2025

Date : 17/11/2025