



CRL OP(MD). No.19283 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 04.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

**CRL OP(MD). No.19283 of 2025
and
CrI.MP(MD)Nos.16128 & 16130 of 2025**

Karuppaiah,

... Petitioner

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No. 87 of 2024).

2. Shanmuga Priya,

... Respondents

PRAYER :- Criminal Original Petition filed under Section 528 BNSS, to call for the entire records pertaining to the impugned Charge Sheet filed in S.T.C. No. 32 of 2025 on the file of the Judicial Magistrate No.1, Sivagangai and quash the same as against the petitioner is concerned.

For Petitioner : Mr.R.Karunanidhi,

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1



WEB COPY



CRL OP(MD), No.19283 of 2025

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in S.T.C. No. 32 of 2025 on the file of the Judicial Magistrate No.1, Sivagangai, filed against the petitioner for the offences punishable under Sections 143, 283 and 270 Indian Penal Code, 1860 (Corresponding to Sections 189(2), 285 and 292 BNS).

2. The gist of the allegations in the final report is that the petitioner and others held a demonstration without obtaining permission and causing traffic obstruction.

3. The learned counsel for the petitioner would submit that the gist of the allegations against the petitioner and others held a demonstration without obtaining permission and causing traffic obstruction; and that their right to protest cannot be termed as causing wrongful restraint or unlawful assembly, and therefore, the impugned prosecution is liable to be quashed. He would rely upon the judgment of this Court in *Jeevanandham and others vs. State rep. by Inspector of Police*,



CRL OP(MD), No.19283 of 2025

Velayuthampalayam Police Station, Karur District and another,
reported in ***2018-2-L.W.(Crl.) 606.***

4. The learned Additional Public Prosecutor for the first respondent would reiterate the allegations in the final report and submit that the petitioner and other accused assembled in a public place and indulged in an illegal protest, and therefore, the aforesaid offences are made out, and sought for dismissal of this petition.

5. As stated earlier, the only allegation against the petitioner is that they had protested against a statement made by a political leader in a public place and that they had violated the order passed by a public servant.

6. As regards the offences under Section 143 of the Indian Penal Code, 1860, 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 of the Indian Penal Code, this Court had held as follows:



WEB COPY



CRL OP(MD), No.19283 of 2025

“26. Crl.O.P.(MD).Nos. 11834, 15529, 15644, 15621, 16244, 16208, 16075 of 2018

In all these cases, it is seen that a Final Report has been filed for an Offence under Section 188 and 143 of IPC and cognizance has also been taken by the concerned Judicial Magistrates. In view of the above discussion, the cognizance of the Final Report under Section 188 of IPC is liable to be quashed. Insofar as the offence under Section 143 of IPC is concerned, in all the cases, 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 143 of IPC. In all the cases, the assembly of persons were made to express dissatisfaction of the governance and claiming for minimum rights that are guaranteed to a 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



WEB COPY



CRL OP(MD), No.19283 of 2025

to violation of fundamental rights guaranteed under the Constitution.

2. Therefore, the Final Report for an offence under Section 143 of IPC is hereby quashed. Accordingly, all the Criminal Original petitions are allowed, and the Final Report filed in each of the case is hereby quashed.”

Therefore, the offences under Section 143 of the Indian Penal Code, 1860 would not be made out.

7. There is nothing in the final report to suggest that the petitioner and other accused had caused nuisance to the general public in any manner, and therefore, the offences under Sections 283 and 290 of the Indian Penal Code, 1860, would also not be made out.

8. This Court is of the view that, even assuming that the allegations are accepted to be true, they would only constitute the offences punishable under Sections 186 and 188 of the Indian Penal Code, 1860, and none of the other offences alleged by the prosecution. Therefore, the impugned prosecution is liable to be quashed, and is accordingly quashed.



CRL OP(MD). No.19283 of 2025

WEB COPY

9. Thus, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

04.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
LS

TO

1. The Judicial Magistrate No.1,
Sivagangai

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD), No.19283 of 2025

SUNDER MOHAN,J

LS

CRL OP(MD) No.19283 of 2025

04.11.2025