



CRL OP(MD). No.19627 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19627 of 2025
and
CrI.MP(MD)No.16432 of 2025

1.Bose

2.Alagu Sarvanakumar @ Saravanan
... Petitioners/Accused Nos.1 & 2

Vs

State of Tamil Nadu Represented by
The Sub-Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul City.
(Cr.No.722 of 2020) ...Respondent/Complainant

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS / 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.722 of 2020 on the file of the Sub-Inspector of Police, Pattiveeranpatti Police Station, Dindigul pending disposal of the above quash petition and in so far as the petitioners are concerned, quash the same and allow this Criminal Original Petition.



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For Petitioners : Mr.K.Muthu Ganesa Pandian

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

ORDER

This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.722 of 2020 on the file of the first respondent, which was registered for the offences under Section 143, 188 and 269 of IPC.

2. The allegation in the FIR is that the petitioners, along with others, indulged in a protest without valid permission during the COVID-19 pandemic period and caused nuisance and disturbance to the general public, besides causing obstruction to traffic and thus committed the aforesaid offences.

3. The learned counsel for the petitioners would submit that the petitioners, along with others, was exercising his right to assemble peacefully, which could not, by any stretch of imagination, constitute the



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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 respondent, per contra, would submit that the petitioners, 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 petitioners, 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:



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"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 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 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."

8. The above observations of this Court would squarely apply to the facts of the instant case. Hence the offences under Sections 143 and 188 IPC are not made out. As regards the offence under Section 269 of the IPC, it is punishable with imprisonment for a term that may extend to six months. The respondent ought to have filed the final report within one year as per Section 468(2) of Cr.P.C. The alleged occurrence took place in the year 2020. Hence, no useful purpose would be served in



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continuing the investigation. Hence, the FIR in Crime No.722 of 2020 is liable to be quashed and is accordingly quashed.

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

Consequently, connected miscellaneous petition is closed.

10.11.2025

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

TO

- 1.The Sub-Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J.

cp/dk

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