



Crl.O.P.(MD)No.21040 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.21040 of 2025

and

Crl.M.P(MD)Nos.17941 of 2025

Mohamed Ansari

... Petitioner/Accused No.8

Vs.

1.State of Tamilnadu Rep by
The Inspector of Police,
Gandhi Market Police Station,
Trichy District,
Crime No.1217/2022.

2.G.Sugumaran,
Working as Inspector of Police,
Gandhi Market Police Station,
Trichy District.

... Respondents/Complainants

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the case registered in FIR in Crime No.1217 of 2022 on the file of the 1st respondent and quash the same as illegal in so far as the petitioner herein is concerned.

For Petitioner : Mr.I.Abdul Basith

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.1217 of 2022 on the file of the respondents Police, registered for the offences punishable under Sections 143, 341, 290 and 291 of IPC.

2. The allegation in the impugned 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, 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, Velayuthampalayam Police Station, Karur District and another***, reported in ***2018 SCC OnLine Mad 13698*** in support of his submissions.

4. The learned Government Advocate (Crl.Side) appearing for the respondents, per contra, would submit that the petitioner, along with others, participated in an unauthorized protest and caused obstruction to traffic, besides



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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 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 IPC 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. Further, there is nothing to indicate that the petitioner



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intended to cause public nuisance. Hence, the offence under Sections 290 and 291 of IPC would not be made out and no useful purpose would be served in continuing the investigation.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.1217 of 2022 on the file of the 1st respondent, 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.

24.11.2025

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

Indu

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.

Indu

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