



CRL OP(MD). No.20502 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 18.11.2025

PRONOUNCED ON : 25.11.2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20502 of 2025

and

CrL.MP(MD)Nos.17383 and 17386 of 2025

1.Muthuraj	... 1 st Petitioner / A62
2.Sankar	... 2 nd Petitioner / A24
3.Gayathri	... 3 rd Petitioner / A58

Vs.

1.The State of Tamil Nadu rep. by The Inspector of Police, Devarkulam Police Station, Tirunelveli District. Crime No.226 of 2024.	... 1 st respondent/Complainant
2.Mr.Nanjil Prithviraj Sub-Inspector of Police, Taluk Police Station, Thalayuthu Police Station, Tirunelveli District.	... 2 nd respondent /Defacto Complainant

PRAYER: This Petition is filed under Section 528 BNSS, to call for the records pertaining to the Charge Sheet in PRC No.373 of 2025 on the file



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of the Judicial Magistrate-III, Tirunelveli and quash the same insofar as these petitioners/Accused Nos.62, 24 and 58 are concerned.

For Petitioners : Mrs.N.Vijayalakshmi

For Respondents : Mr.K.Sanjai Gandhi (for R1)
Government Advocate (Crl.Side)

ORDER

The petition seeks to quash the impugned final report in PRC No. 323 of 2025 pending on the file of the learned Judicial Magistrate-III, Tirunelveli, for the offences under Sections 143, 109, 291, 341, 294(b), 353, 323, 506(ii), 120B, 283 of the IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 [hereinafter referred to as '*the TNPPDL Act*'].

2. The gist of the allegations is that on 08.05.2024, when a group of persons were protesting under the leadership of one Isakki Raja and demanding appointment of persons of a particular community in the Devarkulam Police Station, they were arrested; and that the petitioners along with 59 others had obstructed the van in which they were taken and caused damage to the tune of Rs.5,000/-, besides abusing the police



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officials and causing hurt to them. The petitioners are arrayed as A62, A24 and A58 respectively.

3 (i). The learned counsel for the petitioner would submit that the petitioners only indulged in a protest and even assuming that they had obstructed public servants in performing their duty, they will be liable only for the offence under Section 186 of the IPC and none of the offences alleged are made out and relied upon the judgment of this Court in *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 her submissions.

(ii). The learned counsel would further submit that there is no material in the impugned final report to suggest that the petitioners had caused damage to a van for the value of Rs.5,000/- and that no assessment or valuation was obtained from any competent officer and therefore would submit that the impugned prosecution is an abuse of process of law.



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4. The learned Government Advocate (Crl.Side) *per contra* would submit that the petitioners have indulged in illegal acts and a question as to whether they had committed the aforesaid offences, cannot be adjudicated in a quash petition and further, the prosecution has to be given an opportunity to prove the damage caused to the private vehicle and merely because they have not obtained any valuation, the impugned proceedings cannot be quashed.

5. Admittedly the petitioners indulged in a protest. They had obstructed the public servants in the performance of their duty. The allegations at best would suggest the commission of the offence under Section 186 of the IPC. The question is whether any of the offences charged against the petitioners are made out. In ***Jeevanandam's case*** [cited 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 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. "

The above observations would squarely apply to the facts of this case and therefore, the offence under Sections 143 and 341 of the IPC are not made out.

6 (i). The respondents have cited several witnesses and most of them are officials attached to the respondent police station. All the witnesses would state that two police officials were attacked by some unknown persons with hands and thereby committed the aforesaid offences under Sections 323 and 353 of the IPC.



8. In order to constitute the offence under Section 506(ii) of the IPC, it has to be established that there was a real threat. There is nothing in the impugned final report to suggest that the petitioners had made any real threat to attract the offence under Section 506(ii) of the IPC. In



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Noble Mohandass vs. State reported in **1989 Cri.Lj 669**, this Court had held as follows:

“7. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually.”

The above observations would squarely apply to the facts of this case.

9. As far as the offence punishable under Section 294(b) of the IPC is concerned, it is well settled that unless the act of the accused and the words uttered by him are obscene, the offence under Section 294(b) of the IPC is not made out. The Hon'ble Supreme Court in ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in (2022) 17 ***SCC 818*** has held as follows:

“8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged



words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.

9.To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out.”

The above observations squarely apply to the facts of the case.

10. Even as regards the offence under Section 3(1) of the TNPPDL Act, there is absolutely no material as to who caused the damage and how the value of the damage was assessed except for a vague reference that the damage caused would be around Rs.5,000/-. In the absence of any definite material as to which of the 62 accused had caused damage, this Court is of the view that all the 62 accused cannot be charged for the



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said offence. As stated earlier the object of the assembly was not to commit any of these offences. Therefore, the offences under Section 3(1) of the TNPPDL Act is also not made out as against the petitioners.

11. The remaining offences are offences of causing nuisance under Sections 283 and 291 of the IPC. The offence under Section 283 of the IPC is punishable with a fine of Rs.200/- and as regards the offence under Section 291 of the IPC, it is well settled that in order to attract the said offence, there must be an injunction by any public servant and in this case, there is no such injunction allegedly issued by any public servant.

12. As stated earlier the offences committed by the petitioners at best would be under Section 186 of the IPC, for which a public servant ought to have filed a private complaint. Therefore, this Court is inclined to quash the final report as against the petitioners.

13. Accordingly, the final report in PRC No.323 of 2025 on the file of the learned Judicial Magistrate No.III, Tirunelveli, is quashed insofar as the petitioners/A62, A24 and A58 are concerned. The Criminal



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Original Petition stands allowed. Consequently, connected Miscellaneous
Petitions are closed.

25.11.2025

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

- 1.The Judicial Magistrate-III
Tirunelveli.
- 2.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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Pre-delivery order in
CRL OP(MD) No.20502 of 2025

25.11.2025