



Crl.O.P.(MD)No.20113 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20113 of 2025

and

Crl.M.P(MD).No.17013 of 2025

Balakrishnan

... Petitioner / Accused No.14

- Vs. -

State of Tamil Nadu Rep. by
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.163/2022)

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining in Crime No.163 of 2022 on the file of the 1st respondent and quash the same as illegal.

For Petitioner : M/s.A.Banumathi

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.163 of 2022 on the file of the respondent, which was registered for the offences under Section 147, 143 and 341 of IPC.



Crl.O.P.(MD)No.20113 of 2025

2. The allegation in the 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 Additional Public Prosecutor appearing for the respondent, per contra, would submit that the petitioner, 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 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 suggest that the protest by the petitioner would attract the offence of rioting. Hence, the offence under Section 147 of IPC would not be made out and no useful purpose would be served in continuing the prosecution.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.163 of 2022 is liable to be quashed and is accordingly quashed.

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



Crl.O.P.(MD)No.20113 of 2025

connected miscellaneous petition is closed.

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

To

1.The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.

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



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CrI.O.P.(MD)No.20113 of 2025

SUNDER MOHAN, J.

Lm

CrI.O.P(MD).No.20113 of 2025

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