



CRL OP(MD). No.19874 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11/11/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.19874 of 2025

Thangamangani

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Sub Inspector of Police,
Srivilliputhur Town Police Station,,
Virudhunagar District.
Crime No.1277/2020.

... Respondent

PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records relating to impugned FIR in Crime No.1277 of 2020 pending on the file of the respondent police and quash the same in so far as the petitioner is concerned.

For Petitioner : A.Mohamedhaneef,
Advocate.

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



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ORDER

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This Criminal Original Petition has been filed to quash the impugned FIR in Crime No.1277 of 2020 on the file of the first respondent, which was registered for the offences under Section 143, 341, 269, 270 and 290 of IPC.

2.The allegation in the FIR is that on 07.12.2020, at about 11.00 A.M., the petitioners along with other accused conducted a demonstration during Covid-19 lockdown period without any permission and thus committed the aforesaid offences.

3.It is seen that this Court, in a quash petition filed by the co-accused in Crl.O.P(MD) No.17218 of 2023, had quashed the impugned FIR by making the following observation:-

7. According to the prosecution case, the petitioners and other accused have assembled in order to protest and conduct a peaceful demonstration. No other case is registered against the petitioners and other accused. It is not the case of the respondent Police that the petitioners



have assembled to commit any offence. Once the petitioners have not assembled there to commit any offence, their assembly shall not be treated as an unlawful assembly, thereby, Section 143 I.P.C., does not attract.

8. In respect of Section 341 I.P.C. is concerned, in order to prove that the petitioners have committed the offence, the respondent prosecution has to prove that the petitioners should have restraint any person by preventing him/her from proceeding beyond certain directions. Even if the contents of FIR are accepted to be true, there is no allegation that the petitioners have prevented any person from proceedings in a direction in which he wanted to proceed. Further, there is no complaint filed by any person that he was prevented by the petitioners from proceeding in a particular direction, thereby, Section 341 I.P.C. does not apply.

9. Sections 269 and 270 I.P.C. both offences presuppose that the petitioners were suffering from corona virus and that they have neglected the corona virus or any other contagious diseases and on account of their negligence, there was a likelihood of spreading the disease. There is no record before the Court that the petitioners were suffering from either corona virus or from any other dangerous contagious disease and that on account of their negligence, it was likely to spread. When there was no such



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allegation, the offence under Sections 269 and 270 I.P.C. also will not get attracted to the facts of the case.

10. In order to consider the case against the petitioners for the offence under Section 290 I.P.C., the prosecution supposed to prove that the petitioners are committed public nuisance. In respect of this allegation also, there are no averments in the FIR. The petitioners have demonstrated on 07.12.2020 peacefully, however, it is not the case of the prosecution that the petitioners are created public nuisance. There is no complaint from any corner alleging that the petitioners have involved in public nuisance.

11. In view of the same, there are no ingredients in order to consider any of the offence alleged against the petitioners under Sections 143, 341, 269, 270 and 290 I.P.C., thereby, FIR in respect of the offences against the petitioners will not sustain. Further, this Court while considering the similar application in Crl.O.P.(MD).No. 7963 of 2020 filed by the Accused Nos.3, 40 and 135, has quashed the proceedings against the accused.

4.The above observations are squarely applicable to the petitioner also. Hence, this criminal Original Petition is allowed and the impugned



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FIR in Crime No.1277 of 2020 on the file of the respondent police is quashed. Consequently, connected miscellaneous petition is closed.

11.11.2025

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

1. The Sub Inspector of Police,
Srivilliputhur Town Police Station,,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

cp

ORDER
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