



Crl.O.P.(MD) No.20154 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.20154 of 2025

and

Crl.M.P.(MD) Nos.17039 & 17040 of 2025

Selvinkumar

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
Crime No.23 of 2024

2.Village Administrative Officer,
Ponmanai - B Village,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for the records pertaining to the charge sheet in C.C.No.318 of 2024 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram and quash the same as illegal.

For Petitioner : Mr.A.Arun Ramnath



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For R1

: Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the impugned final report in C.C.No.318 of 2024 on the file of the learned Judicial Magistrate No.II, Padmanabhapuram, filed against the petitioner and others, for the offences punishable under Sections 143, 353, 290, 341, 297 and 504 of the Indian Penal Code, 1860.

2. The gist of the allegations in the final report is that the petitioner, along with others, indulged in a protest without valid permission over the death of one Anitha, who had died in a road accident, prevented the authorities from removing the dead body, caused nuisance and disturbance to the general public, and also obstructed traffic, thereby committing the aforesaid offences.

3. The learned counsel for the petitioner would submit that the protest took place only because, in that locality, several persons had continuously died in road accidents caused by lorries transporting stones



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from the nearby mountains to Kerala, and the authorities had not taken any action in this regard; and that in any case, the petitioner, along with others, was exercising their 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 ***2018-2-L.W.(Crl.) 606*** in support of his submissions.

4. The learned Additional Public Prosecutor for the first respondent police, *per contra*, would submit that the petitioner, along with others, participated in an unauthorised protest, prevented the authorities to remove the dead body, caused obstruction to traffic and also caused nuisance and disturbance to the general public, and therefore, the impugned final report 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.



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6. As regards the offences under Sections 143 and 341 of the Indian Penal Code, 1860, 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, 341 and 188 of the Indian Penal Code, 1860, this Court had held as follows:

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In all these cases, a Final Report has been filed for an offence under Section 143, 341 and 188 of IPC. A Final Report cannot be filed for an offence under Section 188 of IPC, and the Court below ought not to have been taken cognizance. In view of the above discussion, the Final Report insofar as an offence under Section 188 IPC is concerned is hereby quashed. Insofar as the offence under Section 143 IPC is concerned, the allegation is that the assembly had raised slogans demanding for the rights of the farmers, and expressed opposition not to establish a godown and this according to the Police was done, when there was a prohibitory order under Section 30(2) of the Police Act, 1861. In the considered view of this Court, this will not constitute an offence under Section 143 of IPC.

2.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



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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 Cr.P.C 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 present case. Therefore, the offences under Sections 143 and 341 of the Indian Penal Code, 1860 would not be made out.

8. As regards the offence under Section 353 of the Indian Penal Code, 1860, there is nothing in the impugned final report to suggest that the petitioner had obstructed, assaulted, or used any criminal force against any public servant, or had prevented or deterred any public servant from discharging his public duty. Hence, the offence under Section 353 of the Indian Penal Code, 1860, would also not be made out.

9. As regards the offence under Section 290 of the Indian Penal Code, 1860, there is no evidence to suggest that petitioner had caused



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nuisance to the general public in any manner. Therefore, the offence under

Section 290 of the Indian Penal Code, 1860 would also not be made out.

10. As regards the offence under Section 297 of the IPC, the impugned final report is totally misconceived. The allegation is that the petitioner along with others had assembled at the place where the accident occurred. The petitioners had not committed trespass in any place of worship or on any place of sepulture or any other place mentioned in the above provision to attract Section 297 of the IPC. Therefore, the offence under Section 297 of the IPC, would also not be made out.

11. Similarly, the petitioner had no intention to provoke another person, intended or knowing it to be likely that such provocation will cause him to break the public peace and hence the ingredients of the offence under Section 504 of the IPC, has also not been made out.

12. In view of the above discussion, this Court is of the view that no useful purpose would be served in continuing the prosecution. Therefore, the impugned prosecution is quashed.



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

Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate No.II,
Padmanabhapuram.
- 2.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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