



CRL OP(MD). No.20008 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.11.2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.20008 of 2025

and

CrI.MP(MD)Nos.16900 & 16901 of 2025

1. Arokkiyaraj,
2. Jeyachandran,
3. Sundar,
4. Jeganathan,
5. Jegadeswaran,
6. Saravanan, ... Petitioners

Vs.

1. State of Tamilnadu Rep by
Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.87/2019).

2. Lakshmanan, ... Respondents

PRAYER :- This Petition is filed under section 528 BNSS, to call for the records pertaining to the Final Report in C.C.No.94/2023 on the file of the Learned Judicial Magistrate, Theni, Theni District in Crime No. 87/2019 dated 29.01.2019 on the file of the respondent No.1 and quash the same as illegal.

For Petitioners : Mr.T.Aswin Raja Simman,

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor for R1



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ORDER

This Criminal Original Petition has been filed to quash the impugned final report filed for the offences under Sections 147, 143, 341, 506(i) I.P.C and Section 7(1) (a) of Criminal Law Amendment Act, 2005.

2. The allegation in the final report is that the petitioners, along with others, who are the members of JACTO-GEO Association, indulged in a protest by blocking the road without valid permission and caused nuisance and disturbance to the general public, besides causing obstruction to traffic.

3. The learned counsel for the petitioners would submit that the petitioners, along with others, was exercising their rights to assemble peacefully and had registered the protest, which could not, by any stretch of imagination, constitute the offences alleged. He would rely upon the judgment of the Hon'ble Supreme Court in the case of this Court in the case of *Jeevanandham and others vs. State rep. by Inspector of Police*,



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Velayuthampalayam Police Station, Karur District and another,
reported in ***2018-2-L.W.(Crl.) 606.***

4. The learned Additional Public Prosecutor appearing for the first respondent, per contra, would submit that the petitioners, along with others, participated in the protest by blocking road and caused obstruction to traffic, besides causing nuisance and disturbance to the general public; and that they had no valid permission to engage in the protest. He would further submit that the Government had passed a Government Order, withdrawing all the criminal cases filed against the teachers for participating in the protest.

5. The admitted fact is that the petitioners, along with others, engaged in a protest. The question is whether the assembly of persons and their protest on an issue 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, 341 and 188 of IPC, this Court had held as follows:

32.Crl.O.P.(MD)Nos. 12684, 15710 and 15709 of 2018

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 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.”



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7. It is seen that the Government had also passed a Government order in G.O.(Ms.)No.9, Personnel and Administrative Reforms (K) Department dated 02.02.2021, withdrawing all the criminal cases filed against the teachers for participating in the protest.

8. Considering the above fact this court is of the view that no useful purpose would be served in keeping the case pending. Therefore, this Court is inclined to quash the impugned prosecution. This Criminal Original Petition is allowed and the impugned final report is hereby quashed. Consequently, connected miscellaneous petitions are closed.

17.11.2025

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

1. The Judicial Magistrate,
Theni, Theni District.

2.The Inspector of Police,
Theni, Police Station,
Theni District.



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SUNDER MOHAN,J

LS

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

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