



Crl.O.P.(MD)No.20406 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20406 of 2025

and

Crl.M.P.(MD).No.17276 of 2025

Rajendran

... Petitioner/ Accused No.4

Vs.

State of Tamil Nadu rep. by,
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.786 of 2020)

... Respondent / Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the FIR in Crime No.786 of 2020 on the file of the 1st respondent Police and quash the same as illegal insofar as this petitioner is concerned.

For Petitioner : M/s.A.Banumathy

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.786 of 2020 on the file of the first respondent, which was registered for the offences under Section 143, 341, 269, 270 of IPC and Section 51(b) of Disaster Management Act.

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, thereby violating the Government Orders with regard to social distancing norms.

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.



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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. This Court, in similar circumstances, in the case of ***Mohamad Aslam and others Vs. State and another in Crl.O.P.No.5199 of 2021 dated 28.03.2023***, had quashed the final report by relying upon the order of this Court in the case of ***Srinath Vs. State Rep. by Inspector of Police and Another, reported in 2021 SCC Online Mad 13943***. The relevant portion of the order reads as follows:

“10. As regards offences under Section 270 and 271 of the IPC, Section 2 and 3 of the Epidemic Disease Act and Section 51(b) of the Disaster Management Act, this Court had already quashed similar complaints. This Court in the Judgement reported in 2021 SCC Online Mad 13943 – Srinath Vs. State Rep. by Inspector of Police and Another, had quashed the First Information Report for the offences under Section 269 of the IPC read with Section 3 of the Epidemic Diseases Act, 1897. In paragraph no.6 of the said Judgement this Court had observed as follows:

“A detailed guideline has been issued by this Court in the judgment reported in 2018(2) L.W (Crl.) 606 In Jeevanandhan and others Vs. State rep. by Inspector of Police, Velayuthampalayam Police Station, Karur District and another). The offence under Section 269 IPC is concerned, as per the contents of the First Information Report, it is seen that the petitioner was simply roaming in the road. It is a trivial matter in which no offence of grievous nature is involved. Even though Section 144 Cr.P.C order was in force, during the relevant time the respondent police ought to have warned the petitioner to go indoor; instead of that, they filed a case. It is also not the case of the respondent police that at the time of the incident, the petitioner was affected by Covid-19. So the contention that roaming in the



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road during the pandemic period will spread the disease is without any basis.”

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11. This Court finds that the allegation of violation of the orders passed under 144 Cr.P.C is trivial in nature and the observation made by this Court, which is extracted above squarely applies to the facts of the instant case as well.

12. For the above said reasons, this Court is inclined to quash the final report. In the result, this petition is allowed.”

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

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIR in Crime No.786 of 2020 is liable to be quashed and is accordingly quashed.

9. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

18.11.2025

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

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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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SUNDER MOHAN, J.

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