



Crl.O.P.(MD) No.20562 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.20562 of 2025

and

Crl.M.P.(MD) Nos.17454 of 2025

Vignesh

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
The Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No.35 of 2017)

2.Mr.Alaguraj
Sub-Inspector of Police,
Town North Police Station,
Dindigul 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 P.R.C.No.63 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul and quash the same.

For Petitioner : Mr.P.Manikandan

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the impugned final report in P.R.C.No.63 of 2021 on the file of the learned Judicial Magistrate No.II, Dindigul, filed by the first respondent against the petitioner and others for the offences punishable under Sections 143, 188, 341 & 353 of the Indian Penal Code, 1860 and Section 5 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

2. The allegation in the final report is that the petitioners, 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 petitioners 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 **2018-2-L.W.(Crl.) 606** in support of his submissions.



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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 and caused obstruction to traffic, besides causing 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 punishable under Sections 143, 188, 341 & 353 of the Indian Penal Code, 1860 and Section 5 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

6. As regards the offences punishable under Sections 143, 188 & 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:

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.



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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.”

7. The above observations of this Court would squarely apply to the facts of the present case. Therefore, the offences under Sections 143, 188 & 341 of the Indian Penal Code, 1860 would not be made out.



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8. As regards the offence under Section 353 of the Indian Penal Code, 1860, neither assault was committed nor criminal force was used to deter a public servant from discharging their duty. Therefore, the offence under Section 353 of the Indian Penal Code, 1860 would also not be made out.

9. As regards the offence under Section 5 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, there is nothing in the impugned final report to suggest that the petitioner and others had thrown stones at the persons travelling in the vehicle and caused damage. Even in the impugned final report, it has been alleged that they attempted to throw stones at the vehicle. Therefore, the offence under Section 5 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 would also not be made out.

10. Therefore, this Court is of the view that no useful purpose would be served by keeping the impugned final report pending trial. Therefore, the impugned prosecution is quashed.



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

Consequently, the connected Miscellaneous Petition is 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, Dindigul.

2.The Inspector of Police,
Town North Police Station,
Dindigul District.

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



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SUNDER MOHAN, J.

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