



Crl.O.P.(MD)No.20845 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.20845 of 2025

and

Crl.M.P.(MD)Nos.17745 and 17746 of 2025

1.Shakul Hameedu @ Sahulhameed

2.Sikkandar

3.Mohamed Ali Jinna

4.Nagoorkani

5.Jamalmydeen

6.Nijam

7.Sakul Hameed

8.Syed Sulthan

9.Appas Ali

10.Abuthalka

11.Shiek Abdulla

12.Abdu Kaboor

13.Jailani

14.Ibrahim Sai

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15.Batcha

16.Nasar Hussain

17.Akbar Husain

18.Burosh Khan

19.Silkkandar

20.Mohamed Saleem

21.Beer Mohamed

22.Kathar Meeran

23.Kamal

24.Ahamed Jaludeen

25.Noor Mohamed

26.Abdul Lathif

27.Ajmalkhan

28.Mohamed Ibrahim

29.Sheik Ibrahim

30.Syed Ibrahim

31.Mohamed Appas

32.Raja Hussain

33.Abdul Kaboor

34.Mohamed Appas Ali

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35.Raja Mohamed

36.Syed Mohamed

37.Abdul Kathar Jailani

38.Syed Ibrahim

39.Arifkhan

40.Riyasudeen

41.Aaseeth

42.Siddhik

43.Paseer

44.Ayupkhan

45.Abdulraguman

46.Rajabeer

47.Sheik Abdulla

48.Batacha

49.Thjetheen

50.Ammer Appas

51.Hakkim

52.Mugamathu Kurchip

53.Nazar

54.Ismayil

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55.Prem Nazir

56.Sultan Alavuthu

57.Appas

58.Jams Apdula

59.Rajamugamathu

60.Sayebula

61.Haji Ali

62.Apdul Zalil

63.Umar Mugthar

64.Arasath Agamathu

65.Sulthan Meeran

66.Jagir Hussain

67.Ibrakim Babu

68.Sirajideen

69.Sirajideen

70.Tharsa Begam

71.Aprin

72.Yasmin Rusha

73.Sahila Begam

74.Rasia Begam

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75.Raviyath

76.Mydeen Banu

77.Abitha Begam

78.Sarmila Banu

79.Nilabar Nisha

80.Syed Raviath

81.Jesina

82.Mumthaj

83.Rasia Begam

84.Ramjan Begam

85.Sayetha

86.Sikkandarbanu

87.Linothbeevi

88.Fathima

89.Sirahi Nisha

90.Reema Paris

91.Abirose Banu

92.Paseera

93.Thajnishu

94.Sikkandarammal

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95.Nagoorammal

96.Asanbath

97.Sekanas

98.Jesima

99.Bismi Nisha

100.Kathijabeevi

101.Nisha

102.Rahmath Nisha

103.Mumtaj

104.Syed Ali Fathima

105.Sarpu Nisha

106.Chithiga Bagam

107.Nainama

108.Hachinabagam

... Petitioners/Accused Nos.2 to 109

Vs.

The State of Tamil Nadu,
Represented by,
The Sub-Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
(In Crime No.57 of 2022)

... Respondent/Complainant



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the entire records in S.T.C.No.703 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as illegal as against the petitioners/Accused.

For Petitioners : Mr.A.Rajamohamed

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

ORDER

This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.703 of 2025 on the file of the learned Judicial Magistrate No.I, Madurai, which was filed for the offences under Section 143, 188 and 341 of IPC.

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 petitioners, along with others, were exercising their right to assemble peacefully, which could not, by any stretch of imagination, constitute the



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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.

4. The learned Additional Public Prosecutor appearing for the respondent, per contra, would submit that the petitioners, 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 petitioners, 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, 341 and 188 of IPC, this Court had held as follows:



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

41. 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.

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. "

The above observations of this Court would squarely apply to the facts of the instant case. Hence, this Court is of the view that no useful purpose would be served in continuing the prosecution.



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7. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned final report in S.T.C.No.703 of 2025 is liable to be quashed and is accordingly quashed.

8. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

25.11.2025

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

To

- 1.The Judicial Magistrate Court No.I,
Madurai.
- 2.The Sub-Inspector of Police,
Vilakkuthoon Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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