



CRL OP(MD). Nos.20724 and 20726 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 24/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). Nos.20724 and 20726 of 2025
and
Crl.M.P(MD) Nos.17602 and 17603 of 2025

Sathiyam C.Saravanan

... Petitioner
(in both petitions)

Vs

1.State of Tamilnadu,
Rep by Inspector of Police,
Mudukulathur, Police Station,
Ramanathapuram District.

2.N.Sathya,
Village Administrative Officer (V.A.O),
24, Melamuthukulathur Group,
Muthukulathur Taluk,
Ramanathapuram District

... Respondents
(in both petitions)

COMMON PRAYER :- Criminal Original Petitions are filed under Section 528 of BNSS, to call for the entire records in respect of Crime Nos.195 and 196 of 2025 (on the file of Inspector of Police, Muthukulathur Police Station, Ramanathapuram District) and quash the same as against the petitioner.



CRL OP(MD). Nos.20724 and 20726 of 2025

For Petitioner : Mr.D.Rajagopal,
Advocate.

For R1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(in both petitions)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the impugned FIRs in Crime Nos.195 and 196 of 2025, on the file of first respondent, which were registered for the offences under Sections 189(2), 126 and 132 of BNS (corresponding to Sections 143, 339 and 353 of IPC)

2.The allegation in the FIRs 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.

3. The learned counsel for the petitioner would submit that the petitioner, along with others, was exercising the right to assemble peacefully, which could not, by any stretch of imagination, constitute the



CRL OP(MD). Nos.20724 and 20726 of 2025

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 petitioner, along with others, participated in an unauthorized 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 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 instant case. As regards the offence under Section 132 of BNS (Corresponding to Section 353 of IPC), there is no allegation of assault or criminal force to deter any public servant from discharging his duty although there is allegation that the respondents were prevented from performing his duty. In the absence of assault or criminal force, the offence under Section 132 of BNS would not be made out. Further,



CRL OP(MD). Nos.20724 and 20726 of 2025

there is nothing to suggest the commission of an offence under Section 339 of the IPC.

8. Since the allegation does not constitute any of the offences, this Court is of the view that the impugned FIRs in Crime Nos.195 and 196 of 2025, on the file of the first respondent, are liable to be quashed and are accordingly quashed.

9. In the result, this Criminal Original Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

24.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
cp

TO

1. The Inspector of Police,
Mudukulathur, Police Station,
Ramanathapuram District.
Ramanathapuram District.



WEB COPY



CRL OP(MD). Nos.20724 and 20726 of 2025

SUNDER MOHAN,J

CP

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

COMMON ORDER
IN
CRL OP(MD) Nos.20724 and 20726 of 2025

Date : 24/11/2025