



Crl.O.P.(MD)No.21196 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.21196 of 2025

and

Crl.M.P(MD)Nos.18147 & 18148 of 2025

1.Mithun Chakravarthi

2.Madhavan

... Petitioners/Accused No.6 & 8

Vs.

1.The State of Tamil Nadu Rep. by,
The Inspector of Police,
Theni Police Station,
Theni District.
Crime No.313 of 2024.

... 1st Respondent/Complainant

2.Jeeva,
Village Administrative Officer,
Theni District.

... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining in S.T.C.No.1264 of 2024 before the learned Judicial Magistrate, Theni and quash the same as illegal against the petitioners.

For Petitioners : M/s.A.Banumathy

For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition has been filed to quash the impugned final report in S.T.C.No.1264 of 2024 on the file of the learned Judicial Magistrate, Theni, which was filed for the offences under Section 189(2) and 126(2) of BNS (corresponding to Section 143 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 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 first 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 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. "

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



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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.1264 of 2024 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.

27.11.2025

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

To

1.The Judicial Magistrate Court,
Theni.

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

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

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SUNDER MOHAN, J.

Lm

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