



Crl.O.P.(MD)No.19 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19 of 2025
and Crl.M.P(MD).No.37 of 2025

P.Muthukrishnan

: Petitioner

Vs.

The Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No.200 of 2024

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash the FIR registered in Crime No.200 of 2024 dated 21.07.2024 as against the petitioner herein on the file fo the respondent police.

For Petitioner : Mr.M.Murugan

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner, who is A5 in Crime No.200 of 2024 for the offences under Sections 189(2) and 126(2) of BNS Act, had filed this petition.



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2. The case against the petitioner is that on 21.07.2024, when the respondent police was in patrol duty in Samayanallur Bazaar, at about 09.15 am., the petitioner along with others assembled before Government Higher Secondary School, Samayanallur, headed by one Rajasekar, and raising slogan against the Government, without any prior permission, which caused disturbance to the public. Thereafter, the petitioner was arrested all the persons and case was registered against them in Crime NO. 200 of 2024 for the offence under Sections 189(2) and 126(2) of BNS Act.

3. The contention of the petitioner is that showing protest in democratic society is a fundamental right and there is no public restrained. The learned learned counsel appearing for the petitioner in support of his contention had relied upon the judgment reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District] dated 20.09.2018** and in the case of Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other, in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.



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4. Heard the learned Additional Public Prosecutor appearing for the respondent police. .

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that showing protest by holding tharna is permissible, which cannot be construed and projected as illegal act. In this case, case projected is that the movement of the public was restrained to proceed further in the direction as they intended and movement of vehicle has been affected. No pubic had lodged complaint stating about the incident, in such circumstances, claiming that the petitioner holding tharna and caused public nuisance would not be proper. Accordingly, the proceedings in Crime No.200 of 2024 on the file of the respondent police is hereby quashed against the petitioner and others in the case who are similarly placed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

09.01.2025

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NCC : Yes/No
Index : Yes / No
Rmk



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NOTE : Issue order copy on 31.01.2025

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To

- 1.The Sub Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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