



Crl.O.P.(MD)No.67 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.67 of 2025
and Crl.M.P(MD) No.72 of 2025

Karthick Prabhu

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
S.S. Colony Police Station,
Madurai District.
In Crime No. 1340 of 2023.

2. P. Boominathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to the First Information Report in Crime No. 1340 of 2023 on the file of the 1st respondent police and quash the same, in so far as the Petitioner is concerned.

For Petitioner : Mr.Niranjana S Kumar

For R1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The petitioner, who is an Accused in Cr.No.1340 of 2023 for the offence punishable under Sections 143, 341, 290, 448 and 511 IPC, has filed this quash petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3.The first respondent Police has registered a case against the petitioner and 223 others stating that though the respondent Police has given a prohibitory notice to the petitioner and others on 10.09.2023 and Sections 41 and 41 A of City Police Act, 1881 (hereinafter referred to as 'the Act') are in force, on 11.09.2023 at about 04.00p.m., the respondent police received a secret information that the petitioner and others under the leadership of one Suseendran, who belongs to a political party are attempting to conduct protest against HR & CE Department by expressing their opinion. The respondent police gone to the office of HR & CE to give protection. Despite warnings were given by the respondent



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police, the accused persons refused to remove the place and caused disturbance to the general public and the movement of public transport.

4.The contention of the petitioner is that the petitioner and others belonging to a political party are the citizens of this Country are having every right to fight for their domestic right by conducting peaceful dharna, by which, they are expressing their opinions on the policy, which is against the public welfare and it cannot be construed as an offence.

5.The learned Additional Public Prosecutor submitted that the protest was hold near the HR & CE Office, Madurai at Elis Nagar, E1 road. None of the public had allowed to move and they were restrained from moving, likewise, transport was also restricted, showing of protest by a registered political party in a democratic country is permissible. The occurrence took place at Elis Nagar E1 road, which is the main link road approached to Meenakshi Amman Temple. Due to the protest, the public including devotees were restrained from moving. Though several warnings were given by the respondent Police, the accused persons



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refused to move away from that place. However, he fairly conceded that the complaint was lodged only by the Inspector of Police and not by any public persons. In this case, investigation is still in progress.

6.Considering the submissions made on either side, it is seen that the occurrence took place in the main place of a city, ie., Elis Nagar, E1 road, where there are several shops. During the protest, if any disturbance caused by the protestors, the shop owners may come forward to lodge a complaint. However, in this case, the complaint was lodged by the Inspector of Police, not by any public person.

7.Moreover, in a democratic country, holding Dharna is an accepted form of raising objection and it cannot be considered as an offence. This Court has already dealt with similar cases and quash the proceedings for the reason that the voice raised against the political party or Government by the petitioner and others cannot be construed as unlawful or illegal, it is a democratic right of a citizen. Further, in this case, none of the facts were available to show that any public had stated that they were prevented from proceeding in a public way and public



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nuisance has been created by the petitioner and other accused persons.

8.Further, as per the prosecution story, the accused persons were conducting protest only near the HR & CE office, they were not entered into any office and caused disturbance to their duties. In this regard, it is relevant to refer the decision of Hon'ble Apex Court in ***Manik Taneja & Anr vs State of Karnataka & another***, dated 20.01.2015, reported in ***2015 AIR SCW 948***, wherein, it is held that criminal force is said to be such extent that the officials were prevented or deterred from discharging their officials duties and the criminal intimidation, which has been caused alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do. Admittedly, in this case from the statement of the complainant and the materials collected by the prosecution, there is nothing to show that the petitioner had committed any offence. Further, showing protest in the democratic country is a fundamental right as per the Constitution of India and it cannot be termed to be a criminal act.



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9.In view of the same, this Court hereby inclined to quash the entire proceedings in Cr.No.1340 of 2023, on the file of the first respondent police in its entirety, not only against the petitioner, but also the other accused persons.

10.Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

06.01.2025

Index : Yes / No

PNM

To

1.The Inspector of Police,
Mathichayam Police Station,
Madurai District.
Crime No. 1340 of 2023.

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



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M.NIRMAL KUMAR, J.

PNM

Order in
Crl.O.P.(MD)No.67 of 2025
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