Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31306 of 2026

CNR:{HCMA012465182026}

and

CRL MP No. 20781 of 2026

1. Iyappan Ramakrishnan
2. K.Kumar
3. M.Kannayiram
4. Kulandaivelu

..Petitioner(s)

Vs

The State Rep. By,
The Inspector of Police
Kangeyam Police Station,
Tiruppur District.
Crime No.439 of 2023.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to call for the records pertaining to STC.No.1102 of 2025 on the file of the Learned Judicial Magistrate,Kangeyam,arising out of Cr.No.439 of 2023 registered by the Inspector of Police,Kangeyam Police Station,Tiruppur District and quash the same in so far as the Petitioners are concerned.

For Petitioner(s): Mr.S.Aswinraj

For Respondent(s): Mr.R.Ganesh Kumar
Additional Public Prosecutor

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the proceedings in STC.No.1102 of 2025 on the file of the Learned Judicial Magistrate,Kangeyam, thereby taken cognizance for the offences under Sections 341 and 285 of IPC, as against the petitioners.

2.The case of the prosecution is that on 11.09.2023, at 11.10 a.m., the petitioner along with other accused staged protest towards death of persons allegedly caused by consumption of illicit liquor at Kallakurichi and against the proposed visit of the then Minister for Hindu Religious and Charitable Endowments, Mr.P.K.Sekar Babu and the then Minister for Youth Welfare and Sports Development, Mr.Udhayanidhi Stalin, without getting prior permission from the concerned authority. On the basis of the above said allegation, the respondent police registered an FIR and after completion of the investigation, filed a charge sheet against the petitioner and others for the offences under Sections 341 and 285 of IPC and the same was taken cognizance in STC.No.1102 of 2025 on the file of the Learned Judicial Magistrate,Kangeyam. Seeking to quash the same, the present petition has been filed.

3.The learned counsel appearing for the petitioner submitted that in order to draw the attention of the Central and State Governments, the petitioners

https://www.mhc.tn.gov.in/judis

WEB COPY

along with several members had protested towards the death of persons allegedly caused by consumption of illicit liquor at Kallakurichi and against the proposed visit of the then Minister for Hindu Religious and Charitable Endowments, Mr.P.K.Sekar Babu and the then Minister for Youth Welfare and Sports Development, Mr.Udhayanidhi Stalin. The learned counsel further submitted that the Hon'ble Supreme Court of India has held that the right to freely assemble and also right to freely express once view are constitutionally protected rights under Part III and their enjoyment can only be restricted in proportional manner through a fair and non-arbitrary procedure provided in Article 19 of Constitution of India. He further submitted that it is the duty of the Government to protect the rights of freedom of speech and assembly that is so essential to a democracy. Therefore, he sought for quashing the proceeding.

4.Per contra, the learned Additional Public Prosecutor submitted that the petitioners along with others staged protest and there are specific allegations as against the petitioners to proceed with the trial. Further, he would submit that 341 and 285 of IPC, is a cognizable offence and therefore, it is the duty of the police to register a case. Therefore, he vehemently opposed the quash petition and prayed for dismissal of the same.

5.Heard the learned Counsel appearing on either side and perused the materials placed on record.

https://www.mhc.tn.gov.in/judis

WEB COPY

6.On perusal of the charge, it is seen that the petitioners and others staged protest towards towards the death of persons allegedly caused by consumption of illicit liquor at Kallakurichi and against the proposed visit of the then Minister for Hindu Religious and Charitable Endowments, Mr.P.K.Sekar Babu and the then Minister for Youth Welfare and Sports Development, Mr.Udhayanidhi Stalin, without getting prior permission from the concerned authority. Therefore, the respondent police levelled the charges under Sections 341 and 285 of IPC of the Bharatiya Nyaya Sanhita, 2023 as against the petitioners and others. However, except the official witnesses, no one has spoken about the occurrence and no one was examined to substantiate the charges against the petitioners. It is also seen from the charge itself that the charges are very simple in nature and trivial.

7. In the case on hand, the First Information Report has been registered by the respondent police for the offences under Sections 341 and 285 of IPC. Thus, it is relevant to extract the definition of wrongful restraint provided under Section 339 of IPC:

> *339 of IPC -Wrongful restraint —*
> *Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.*

https://www.mhc.tn.gov.in/judis

WEB COPY

8.However, in the present case, there is no specific allegations in the FIR that the petitioners had restrained any individual from proceeding in direction in which such person had a right to proceed. Mere obstruction of traffic is not sufficient to attract the offence under Section 341 of IPC. Equally, the essential ingredients to attract the offence under Section 285 of IPC is also conspicuously absent. Hence, the impugned proceedings cannot be sustained and is liable to be quashed.

9.Accordingly, the proceedings in STC.No.1102 of 2025 on the file of the Learned Judicial Magistrate,Kangeyam, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Uma

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Judicial Magistrate,Kangeyam,

2.The State Rep. by, The Inspector of Police
Kangeyam Police Station,
Tiruppur District.
Crime No.439 of 2023.

3.The Public Prosecutor
High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K.ILANTHIRAIYAN J.

Uma

CRL OP No. 31306 of 2026
and
CRL MP No. 20781 of 2026

29-10-2026

https://www.mhc.tn.gov.in/judis