



CRL OP(MD). No.2836 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23/06/2026

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THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No.2836 of 2023
and
CRL MP(MD) Nos.2567 & 2570 of 2023

C.Aavin Karthikeyan @ Karthikeyan

... Petitioner

Vs

1. The Inspector of Police,
Fort Police Station, Trichy.
In Crime No.1098 of 2022.

2. K.Subramanian.

... Respondents

PRAYER :-

To call for the records relating to final report in S.T.C.No.8745 of 2022 on the file of the learned Judicial Magistrate No.I.Tiruchirappalli and quash the same for the petitioner alone.

For Petitioner : Mr.G.Kandha Vadivelan
Advocate.

For R-1 : Mr.P.Vetrivel,
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to quash the proceedings in S.T.C.No.8745 of 2022 on the file of the learned Judicial Magistrate -I, Tiruchirappalli in Crime No.1098 of 2022 for the offences under Sections 143, 341 of IPC, 41(6)(a) of TN City Police Act, 1888 and 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959.

2. The learned counsel for the petitioner would submit that no offences are made out as against the petitioner to attribute Sections 143, 341 of IPC, 41(6)(a) of TN City Police Act, 1888 and 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 and no materials available. Already this Court quashed the proceedings for the similarly placed persons in Crime No.1096 of 2022 in Crl.O.P.(MD) No.4720 of 2023.



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3. The learned Government Advocate (Crl.Side) also did not dispute that the case against the similarly placed persons has been quashed by this Court. However, he strongly opposed to allow this petition on the ground that there are materials available as against this petitioner.

4. This Court has heard both sides and perused the records.

5. The respondent police has registered case in Crime No. 1098 of 2022 for the offences Sections 143, 341 of IPC, 41(6)(a) of TN City Police Act, 1888 and 4(1) of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. Thereafter, they conducted investigation and filed final report and the same was taken on file in S.T.C.No.8745 of 2022 and the case is now pending. This Court, for the similarly placed persons for the same occurrence, quashed the proceedings in Crl.O.P.(MD) No.4720 of 2023, wherein this Court observed as follows:

5. Reading of the final report shows that the



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petitioners, who belongs to a particular political party conducted demonstration and protest against the rise in charges of Electricity, House tax, etc. So this is the exercise of right to make a protest or demonstration, as the case may be. But what was expressed by them is a democratic right. That cannot be disputed. Here, the prosecution says that it amounts to unlawful assembly. They also prevented the traffic. Apart from that, section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959 has also been made upon the petitioners.

6. Section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959, reads as under:-

“4(1). Penalty for unauthorised disfigurement by advertisement: Subject to the provisions of Section 4-A, whoever affixes to or inscribes or exhibits on, any place open to public view any advertisement without the written consent of the owner or occupier or person in management of the property in which such place is situated shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.”

7. But here, the ingredients are not attracted, since it has been stated in the final report that they were holding



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placards, demanding reduction of the charges. They were also holding their party flag. This will not amount to offence punishable under section 4(1) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act 1959 Act. So, this Act is not attracted.

8. Similarly, to attract the offence under section 143 IPC, section 141 IPC must be satisfied.

9. Section 141 IPC reads as under:-

"Section 141. Unlawful assembly.-An assembly of five or more persons is designated an "unlawful assembly; if the common object of the persons composing that assembly is

First-To overawe by criminal force, or show of criminal force, or any public servant in the exercise of the lawful power of such public servant; or

Second-To resist the execution of any law, or of any legal process; or

Third.-To commit any mischief or criminal trespass, or other offence; or

Fourth.-By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in



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possession or enjoyment, or to enforce any right or supposed right: or

Fifth.-By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do. Explanation.-An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly."

10. Reading of this provision shows that assembly must be unlawful in nature. As mentioned above, it cannot be construed as an unlawful assembly. It is only their way of expressing their democratic right of expression. So, section 143 IPC is not attracted.

11. Similarly, section 341 IPC is not attracted, since there is no allegation to the effect that they prevented the public from moving in a particular direction. Their aim was not to restrain any person proceeding in a particular direction. Their aim was to express their grievance, which as mentioned earlier cannot be construed as unlawful in nature. The police team ought to have asked or commended the mob to disburse. Instead of doing so, they simply registered a case and also filed the final report on the very next day of the occurrence. So, I am of the considered view that for



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expressing their democratic domestic right, they should not be penalized. On that sole ground, this petition is liable to be allowed. "

6. Since this Court already quashed the proceedings for the similarly placed persons, and this case is covered by the said order, it is appropriate to quash the pending proceedings in S.T.C.No.8745 of 2022 on the file of the learned Judicial Magistrate -I, Tiruchirappalli. Hence, the proceedings in S.T.C.No.8745 of 2022 on the file of the learned Judicial Magistrate -I, Tiruchirappalli, is hereby quashed.

7. Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

23.06.2026

apd

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TO

1. The Inspector of Police,
Fort Police Station,
Trichy.

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



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P. DHANABAL,J
apd

ORDER
IN
CRL OP(MD) No.2836 of 2023

Date : 23/06/2026