



Crl.O.P.(MD)No.2551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2026

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2551 of 2023

and

Crl.M.P(MD) No.2273 of 2023

Prabhakaran @ Pudhumalar Prabhakaran

.. Petitioner

Vs.

**1. The Inspector of Police
Paramakudi Town Police Station,
Ramanathapuram District**

**2. S.Salmon
S/o.not known
Sub Inspector of Police
Paramakudi Town Police Station,
Ramanathapuram District**

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for entire records relating to the impugned FIR in Crime No.334 of 2013 on the file of the respondent police and to quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.M.S.Jeyakarthik

**For Respondents : Mr.Mohamed Riyaz
Government Advocate(Crl.Side)**



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ORDER

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This Criminal Original Petition has been filed to quash the First Information Report in Crime No.334 of 2013 on the file of the first respondent police

2. The learned counsel appearing for the petitioner would submit that the first respondent police has registered a case against the petitioner and others in Crime No.334 of for the offences under Sections 188, 153(A) and 505(1)(b) of IPC. The second respondent/defacto complainant lodged a complaint before the respondent police stating that accused persons belongs to a political party and they made application to the respondents for opening of a freedom fighter's photo but the same was rejected by the respondents, inspite of the above rejection, on the date of occurrence the defacto complainant saw the postures which were affixed by the accused persons regarding opening of a freedom fighters photograph, thereby they caused breach of peace in the locality hence the complaint. In fact no such occurrence was happened as alleged by the prosecution. There are no materials available to constitute the offence under Sections 188, 153(A) and 505(i)(b) of IPC. Therefore the pending proceedings is liable to be quashed.



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3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that the accused persons made request to conduct meeting for the inauguration of portrait of freedom fighter, but the said request was rejected, inspite of the rejection of the request made by the accused persons they affixed the freedom fighter's photograph in the public place. Further they did not obtain any permission from the appropriate authorities, therefore they committed offences under Sections 188, 153(A) and 505 (i)(b) of IPC, hence they registered the First Information Report, and now the case is under investigation.

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

5. According to the petitioner the respondent police has registered a case in Crime No.334 of for the offences under Sections 188, 153(A) and 505(1)(b) of IPC and as per the First Information Report there are no ingredients available to constitute the offence. They only proceeded in a peaceful manner without breaching any rule, therefore the offence under Sections 188, 153(A) and 505 (i)(b) of IPC would not attract.



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6. This Court also perused the entire materials. On a careful perusal of the First Information Report it is seen that the petitioner along with others have affixed freedom fighter's photos despite the request made by the accused was rejected, they affixed the photos apart from this there is no other allegations. Therefore in order to attract the offence under Section 188 of IPC there is no any breach of the order duly promulgated by the competent authority and there are no any ingredients to constitute the offence. At the out set no any order promulgated by the competent authority and no breach of order by the petitioner.

7. So far as offence under Section 153(A) of IPC is concerned there are no ingredients to constitute the offence and as per First Information Report there are no averments that the petitioner and others promoted enmity between different groups of grounds of religion, race, place of birth, residence, language etc.. and did acts prejudicial to the maintenance of harmony. As far as offences under section 505(i)(b) of IPC is concerned there are no materials that these petitioners published or circulated any statement, rumour or report with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit and offence against the state or against



the public tranquility etc.. Therefore in order to constitute offence under section 188, 153(A) and 505 (i)(b) of IPC there are no averments in the First Information Report to constitute the said offences and only the averments shows that some posters has been posted for unveiling of portraits of communal leaders, the same itself is not offences.

8. At this juncture, the learned counsel appearing for the petitioner relied on the following judgments:

a) Jeevanantham and others .vs. The Inspector of Police,Velayuthapalayam Police Station, Karur District and another reported in 2018-22 L.W.(CrI.)606

b) K.Sathaiya and others .vs. The Inspector of Police, Arimalam Police Station, Pudukottai District in Crl.O.P(MD) No.75 of 2025.

9. On careful perusal of the above said judgments it is clear that in order to attract the section 188 of IPC there should be order promulgated by the competent authority and the public servant has to file complaint for the breach of order promulgated by the competent authority. when the assembly of persons were expressing dissatisfaction on the governance and claiming for minimum rights that are guaranteed to an ordinary citizen



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and if such an assembly of persons are to be trifled by registering an FIR under [Section 143](#) of IPC and now equivalent to Section 189(2) of BNS 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.

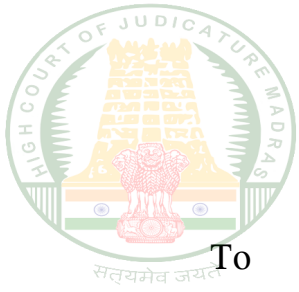
10. In the case on hand the First Information Report has been registered by the respondent police for the offences under Sections 188, 153(A) and 505(1)(b) of IPC. In view of the above discussions, this Court is of the opinion that the First Information Report in Crime No.334 of 2013 on the file of the first respondent police is liable to be quashed.

11. Accordingly the Criminal Original Petition stands allowed and the First Information Report in Crime No.334 of 2013 on the file of the first respondent police is hereby quashed. Consequently connected miscellaneous petition stands closed.

03.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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1. The Inspector of Police
Paramakudi Town Police Station,
Ramanathapuram District

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



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P.DHANABAL,J.

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