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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. O.P. NO.4335 OF 2018 &  
Crl MP Nos.2032 & 2033/2018

1. Arunachalam
2. Baskaran
3. Manikandan
4. Kesavan
5. Palaniyammal
6. Alamelu
7. Lakshmi

.. Petitioners/A-1 to 7

- Vs -

State by  
Inspector of Police  
Ulundurpet Police Station  
Villupuram District.

.. Respondents/Complainant

Criminal Original Petition filed u/s 482 Cr.P.C. To quash the proceedings pending on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram District in S.T.C. No.154 of 2017.

For Petitioners: Mr. M.R.Elavarasan

For Respondent : Mr. A.Gopinath, GA (Crl. Side)

ORDER

The present petition has been filed by the petitioners praying for quashment of the proceedings in S.T. C. No.154 of 2017 pending on the file of the Judicial Magistrate No.I, Ulundurpet, Villupuram District.

2. It is the case of the prosecution that on account of a land dispute, the petitioners and other accused, belonging to the same village, gathered near Pandur Village Bus Stop and there ensued a wordy quarrel and in spite of the efforts of the police officials to split up and move away from the place, the petitioners/accused did not listen to the words of the police officials and continued with their act, which created public nuisance and great hindrance to the public peace and



tranquillity, which resulted in the registration of the above said case.

3. Learned counsel appearing for the petitioners submit that the wordy quarrel ensued between two groups due to certain land dispute near the Pandur Village Bus Stop at which time police officials tried to intervene and pacify the groups and asked them to move away from the place. Since the petitioners as also the other accused, did not heed to the words of the police authorities, the above complaint has been filed. It is the submission of the learned counsel for the petitioners that the very genesis for the complaint was not the wordy quarrel that ensued between the two groups, but it is only because of not heeding to the advice of the police officials, the present complaint has been registered. The complaint is only a vindictive action on the part of the police authorities to show their power. The trial court, without appreciating the whole gamut of facts has taken the complaint on file, which deserves to be quashed.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submits that the petitioners as also the other accused had a wordy quarrel, which had affected the public peace and tranquillity in the said area and inspite of the great efforts of the respondent to disperse the petitioners and the accused, they failed to heed to the directions, which resulted in the filing of the complaint. It is the submission of the learned Government Advocate that the act of the police officials in registering the complaint cannot be said to be a high-handed act, as they had acted within the rule of law in registering the case against those persons, who had spoiled the public peace. Therefore, he prayed for dismissal of the present petition.

5. This Court gave its anxious consideration to the submissions advanced on either side and also perused the materials available on record.

6. A perusal of the FIR reveals that the wordy quarrel between two different groups, of which the petitioners formed one group, resulted in breaching the public peace and inspite of the efforts of the police authorities to disperse them, the complaint came to be registered. It is not disputed, even by the respondent, that the quarrel was the outcome of some dispute relating to land between the two parties. Therefore, effectively, the said dispute between the two groups, of which the petitioners belonged to one group, is civil in nature. That being the case, the act of the respondent in registering the case, gives it a criminal colour. It is to be pointed out that civil disputes ought to be sorted out through the civil mechanism and neither the parties nor the law enforcing agency



should resort to redress the same through a criminal mechanism. The respondent, with a sterner action, should have dispersed the crowd, rather than invoking the criminal machinery into motion. For reasons known, which this Court is not inclined to reproduce in black and white, the complaint has been registered. True there is disruption of public peace due to the act of the petitioners and other persons, but that should not be a reason to set in motion the criminal machinery, as this would only pave the way for branding a group of persons as having criminal antecedents at a later point of time, which would not be in the interest of the society. The law enforcing agency should desist from registering such complaints on its own accord when it is a quarrel between two groups that has not led to any untoward incidents.

7. In the nature of incident that has taken place as is reflected in the complaint, this Court is of the considered view that the registration of case against the petitioners, at the present point of time, does not merit acceptance and the same deserves to be quashed, lest consequences of certain other nature may tend to flow out of it. However, it is also made clear that it is the duty of all law abiding citizens to maintain public peace and tranquillity and not to indulge in such acts, which has a detrimental effect on public peace. The petitioners are directed not to indulge in such acts in future, which has the effect of disturbing public peace and non-adherence to the above direction will entail action against them.

8. For the reasons aforesaid, this criminal original petition is allowed by quashing the proceedings in S.T.C. No.154 of 2017 pending on the file of the learned Judicial Magistrate No.I, Ulundurpet, Villupuram District.

Sd/-  
Assistant Registrar (VI)

//True copy//

Sub Assistant Registrar

GLN

To

1. Judicial Magistrate No.I  
Uldudurpet, Villupuram District.
2. The Public Prosecutor  
High Court, Madras.



3. Inspector of Police  
Ulundurpet Police Station  
Villupuram District.

+1cc to Mr.Elavarasan, Advocate SR.No.29290

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CRL. O.P. NO.4335 OF 2018 &  
CrI MP Nos.2032 & 2033/2018

BS (CO)  
GMY (16/07/2021)