

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.30016 of 2018
and Crl.M.P.Nos.17630 of 2018 & 16290 of 2019

1.Arul
2.Soundararajan
3.Tamilmani
4.Mariappan

... Petitioners/Accused

Vs.

1.The State represented by
the Inspector of Police
Singarapettai Police Station,
Krishnagiri District,
(Crime No.240/2018).

...1st Respondent

2.V.Hemalatha,
The Block Development Officer,
(Village Panchayath),
Panchayath Union,
Uthangarai (Tk).

...2nd Respondent/
Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records in Crime No. 240 of 2018 on the file of the first respondent police and to quash the same.

For Petitioners : Mr.G.Murugendran
For R1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)
For R2 : No appearance

ORDER

This Criminal Original Petition has been filed to quash the Crime No. 240 of 2018 on the file of the first respondent police.

2.The petitioners herein are arrayed as A1 to A4 in Crime No.240 of 2018, on the file of the Singarapettai Police Station, Krishnagiri District.

3.The case of the prosecution is that during the Grama Sabha Meeting conducted on the independence day i.e, on 15.08.2018, the accused threatened the Government Servant to pass a resolution against the implementation of the eight way road [Greenway Corridor Project (Chennai - Salem)], by insisting the people of the village to raise their voice, should be the first resolution and thereafter, the other resolution may be passed. In view of such stand taken by this petitioners/accused, the second respondent/Block Development Officer [village panchayath] gave a complaint to the Inspector of Police, Singarapettai Police Station, Krishnagiri District, resulted in filing of FIR, which was registered after six days of the incident.

4.The learned counsel for the petitioner would submit that the complaint has been lodged on 17.08.2018 which is after three days of the alleged incident, dated 15.08.2018 and the FIR was registered on 21.08.2018.

5.The learned Government Advocate (Crl.Side) would contend that the defacto complainant/informant is a Block Development Officer as such she was prevented from passing resolutions in the Grama Sabha Meeting and hence, the offence under section 353 of IPC is made out.

6.On a similar circumstances, similarly placed accused with respect to agitation against the land acquisition for laying the eight way road [Greenway Corridor Project (Chennai - Salem)], this Court by an order dated 16.03.2020 made in Crl.O.P.No.26373 of 2018 has quashed the FIR in Crime No. 278 of 2018, by observing as follows:

"8.After demand made by the petitioners, the de-facto complainant visited the place of occurrence and there, the petitioners and others demanded him to re-lay the roads. Therefore, it would not amount to restraining the second respondent from doing his official duties. Admittedly, no one sustained any injuries. Moreover, there was no assault or criminal force against the second respondent by the petitioners and others. Therefore, the offence under Section 353 of I.P.C, would not at all attracted as against the petitioners, Even, on perusing the records, there was no threats made to the de-facto complainant by the petitioners at any point of time and as such, the offence under Section 506(i) of I.P.C., is also not attracted as against the petitioners."

7.The learned counsel for the petitioner also stated that they were only voicing their democratic right for passing resolutions and they never indulged in preventing the public servant from discharging her duty and they have not committed

any offence as stated by the prosecution.

8.After perusing the complaint and the order passed in the above said CrI.O.P.No.26373 of 2018 and also the averments made in the complaint, I find that the ratio laid down in the above judgment is squarely applicable to the facts and circumstances of this case.

9.Accordingly, this Criminal Original Petition is allowed and the FIR registered in Crime No.240 of 2018, on the file of the first respondent police is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dua
To

1.The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.G.Murugendhran, Advocate Sr.NO. 40613

CrI.O.P.No.30016 of 2018
and CrI.M.Nos.17630 of 2018 & 16290 of 2019

AJS(CO)
A.SK(12/07/2022)