



CrI.O.P.No.28399 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

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and

CrI.M.P.Nos.15815 and 15824 of 2024

1. Selvaraj
2. Muthuvel
3. Gunasekar
4. Gajendhiran
5. Anandharaj
6. Ramakrishnan
7. Hariharan
8. Vengatesan
9. Thamizhselvan
10. Sursh Babu
11. Praveenkumar
12. Srathkumaran
13. Ramachandran
14. Sivapandiyan
15. Rajendran
16. Santhappan
17. Balamurugan
S/o.Subramaniyan
18. Sathiyaraj
19. Murugesan
20. Selvakumar
21. Raja
22. Balamurugan
S/o.Soundarajan
23. Kalaimani
24. Vijayakumar



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25. Babu
26. Ganesan
27. Prabu
28. Kaliyaperumal
29. Velayutham
30. Parameswari
31. Sivaparkavi
32. Radha
33. Umahaimavathi
34. Sivagami
35. Rasambal
36. Sellabangi
37. Ramayi
38. Santhi
39. Saroja
40. Banumathi
41. Sulosana
42. Indhira
43. Sumathi
44. Arulselvi
45. Rajeshwari
46. Sumathi
47. Buvaneshwari
48. Rani
49. Amirtham
50. Dhanalakshmi
51. Azhagammal
52. Lakshmi

..... Petitioners

Vs.

1. The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

2. Parthiban

..... Respondents



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Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./528 BNSS to call for the records pertaining to the charge-sheet pending on the file of the District Munsif-cum-Judicial Magistrate, Veppanthattai in C.C.No.21 of 2024 filed by the first respondent herein and quash the same.

For Petitioners : Mr.G.Karthikeyan
for Ms.A.Jagadeeswari

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the charge-sheet pending on the file of the District Munsif-cum-Judicial Magistrate, Veppanthattai in C.C.No.21 of 2024 filed by the first respondent herein/Police.

2. The first respondent/Police registered a case in Crime No.176 of 2023 against the petitioners for the offences under Sections 147, 153, 294(b), 341 and 353 IPC. On completion of investigation, they had laid a charge-sheet before the District Munsif-cum-Judicial Magistrate, Veppanthattai and the same was taken on file in C.C.No.21 of 2024. Now



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the petitioner has filed the present petition to quash the charge sheet.

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3. The main contention of the petitioners is that only the Government officials were examined as eye witnesses and no independent witnesses have been examined and hence, the ingredients of the Sections 147, 153, 294(b), 341 and 353 IPC are not attracted as per the materials available in the charge-sheet. Actually the petitioners have assembled to express their dissatisfaction on the governance and claiming for minimum rights that are guaranteed under Indian Constitution to an ordinary citizen. However, the first respondent/Police has foisted a false case against the petitioners. It is further stated that the *de-facto* complainant and all the witnesses are the Police officials and there is no independent witness, therefore, the charge-sheet has to be quashed.

4. Learned Additional Public Prosecutor appearing for the first respondent/Police submitted that on 18.09.2023, the petitioners were assembled before the Police station and raised voice against the Government and Police officials and attempted to trespass into the Police Station and also prevented the Police officials and public to enter into the Police station and also they have made Slogans "Om Om Kali", "Jai Jai



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Kali'' "Bharathmathaku Jai" and also abused the police officials with filthy language. When the Police Officials made a request to move away from the place, they refused and also prevented the Police officials to do their official duty and hence, the first respondent/Police filed the case in Crime No.176 of 2023 against the petitioners and on completion of investigation, they have laid a charge sheet before the District Munsif-cum-Judicial Magistrate, Veppanthattai in C.C.No.21 of 2024 for the aforesaid offences.

5. Admittedly, the occurrence took place in front of the Police station on 18.09.2023. The main allegation against the petitioners is that they have been raising their voice against the Government and Police officials. In such circumstances, naturally, the Police officials would be examined as *de-facto* complainant and they would be examined as witnesses. Since because of the Police officials are shown as complainant and witnesses that may not be a sole ground to quash the charge-sheet. While quashing the charge-sheet, the Court must see as to whether any abuse of process of law is made out or as to whether any sufficient materials are available against the petitioners.



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6. On a perusal of the records, it is seen that *prima facie* there are

allegations made against the petitioners to proceed with the case further.

The grounds raised by the petitioners are all factual in nature and it requires appreciation of evidence and it is matter for trial and this Court cannot decide the same by exercising its jurisdiction under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023. It is left open to the petitioners to raise all the grounds before the Court below during trial and the same shall be considered on its own merits and in accordance with law.

7. Accordingly, this Criminal Original Petition is dismissed.

Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To



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1. The District Munsif-cum-Judicial Magistrate,
Veppanthattai.
2. The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court, Madras.



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