



Crl.O.P.(MD)No.18717 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.18717 of 2024

and

Crl.M.P.(MD)Nos.11617 and 11618 of 2024

Ajith Kumar

.. Petitioner

Vs.

1. The State of Tamilnadu

Rep. by the Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

Crime No. 294/2020.

2. Pandiyarajan

The Village Administrative Officer,
Thirumangalam Town,
Thirumangalam Circle,
Madurai District.

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the charge sheet in C.C.No. 192/2021 on the file of the Judicial Magistrate, Thirumangalam, and quash the same as illegal in so far as the petitioner is concern.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side) for R1



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ORDER

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This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.192 of 2021 on the file of the Judicial Magistrate, Thirumangalam.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner, who was an accused No.6 in C.C.No.192 of 2021 on the file of the learned Judicial Magistrate, Thirumangalam, is facing trial for the offences under Sections 143, 151, 271, 285, 341, 353 and 506(2) of IPC, r/w. Sections 77(A) 134, and 135 of the Tamil Nadu Public Health Act.

4. Initially, the case projected against the petitioner and six others is that on 06.06.2020 at about 10.30 a.m., the petitioner and others had unlawfully assembled and were holding dharna squatting on the road. This was when the Covid-19 prohibitory orders were there, and violating the prohibitory orders, obstructing the traffic and movement of the public, the



petitioner and others held dharna. Further, the defacto complainant/Village Administrative Officer was not permitted to discharge his official duty. In this case, one Reegan Joseph is said to have brought the petrol-filled can concealed in his two wheeler and thereafter, the petitioner and others tried to self immolate to deter the public and the police present there. Hence, on the complaint of the defacto complainant/Village Administrative Officer, the case has been registered for the offences under Sections 188, 143, 151, 271, 285, 341, 353, 506(2) of IPC r/w. Sections 77(A), 134 and 135 of the Tamil Nadu Public Health Act. After completion of the investigation, the respondent police filed a charge sheet against the petitioner and others listing nine witnesses and documents, deleting Section 188 of IPC since it would require sanction.

5. The learned counsel for the petitioner submitted that there is no witness to prove that the said Reegan Joseph had brought the petrol-filled can, which was used to threaten the public servants. The five litre can, which was used for threatening the public servants, was produced by the defacto complainant to the first respondent police. He further submitted that it was a normal reaction of the general public to raise and protest for unreasonable restrictions and prohibitions for the public movement



denying their livelihood and survival. Citing corona, the public servants imposing reasonable restrictions, which was questioned, which is normal acceptable democratic process, that cannot be termed as an obstruction to the public servants and deterring the public duty. The learned counsel further submitted that in a similar protest which was held by the political parties and persons affiliated to political parties have been withdrawn by the State. But when it came to the individuals or self groups, the cases are still pending and they are facing the ordeal of trial. Not only the sigma of a criminal case is there, the continuation of the case causes hardship.

6. The learned Government Advocate (Criminal Side) submitted that in this case, the petitioner along with others committed an offence and they had squatted on the road obstructing the movement of traffic, vehicles and the public. When the defacto complainant and others requested the petitioner and others to clear the place and allow free movement of traffic, they abused and threatened them by showing petrol and also tried to self immolate themselves. Hence, the case has been registered and after completion of investigation, the charge sheet has been filed before the trial Court.



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7. The facts of this case is similar to the facts covered by the Judgment of this Court reported in **2018 2 LW (Crl) 606 [Jeevanandham and others vs. The Inspector of Police Velayuthampalayam Police Station, Karur District]** dated 20.09.2018 and in case of **Sri Raja vs Inspector of Police, Sivakasi Town Police Station Virudhunagar District and other in batch of cases in Crl.O.P(MD) No.7922 of 2019 dated 30.08.2019.**

8. Accordingly, the proceedings in C.C.No.192 of 2021 on the file of the Judicial Magistrate, Thirumangalam, is hereby quashed not only against the petitioner but against all the other accused, who are also similarly placed. and the Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

9. The above case not to be projected as an impediment to the petitioner and others for their future education and employment.

04.12.2024

NCC : Yes/No
Internet : Yes / No
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M.NIRMAL KUMAR,J.

LS

To

- 1.The Judicial Magistrate,
Thirumangalam
2. The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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