



CrI.O.P.No.5379 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.5379 of 2025
and CrI.M.P.Nos.3487 and 3489 of 2025

1. Ganesan
2. Kumar
3. Palanivel
4. Ramasamy
5. Sellamuthu

... Petitioners

Vs.

1. The State rep. by
The Sub-Inspector of Police,
Elachipalayam Police Station,
Namakkal District.

2. Mallika,
W/o.Thangavel
Village Administrative Office,
No.107, Kokkalai,
Tiruchengode Taluk,
Namakkal District.

... Respondents

PRAYER: The Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for records in C.C.No.52 of 2023 on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal and to quash the same in respect of the petitioners.



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For Petitioners : Mr.R.Thirumoorthy

For 1st Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

This petition has been filed to quash the proceedings in C.C.No.52 of 2023 on the file of the learned Judicial Magistrate, Tiruchengode, Namakkal.

2 (i). The case of the prosecution is that the defacto complainant namely Mallika who is the Village Administrative Officer, Kokalai Village lodged a complaint before the first respondent police by stating that she is serving as a Village Administrative Officer, Kokalai Village for the past three months. SPS Quarry is operating in Elaiyampalayam, which is within her village limits. The said quarry is situated near to the residential place and agricultural field which caused pollution and affected the livelihood of the agriculturists. Hence, the petitioners 1 and 2 have given a petition before the Farmers' Grievance Redressal Meeting to conduct inspection and find out the distance between the residential area, agricultural land and quarry and also for ascertaining the field position of quarry is being permitted to operate.



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2(ii) With regard to the same, the Taluk Surveyor namely

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Manimegalai has visited to conduct survey on 23.11.2021 at 11.00 a.m., and did survey whereof. A1 and A2 named in FIR objected the same and staged demonstration in front of VAO Office. Further, A1 has locked the VAO Office, following which A1 and others along with known and unknown persons had detained the defacto complainant from discharging her duty and also issued life threat. Hence, the defacto complaint has lodged a complaint before the first respondent police.

3. The learned counsel appearing for the petitioners submits that on 29.10.2021 the first petitioner has given a requisition letter to the Collector, State Collectorate Office, Namakkal District to find out the distance between the agricultural land and quarry which is illegally carrying out its commercial business without following the rules and regulations.

4. The learned counsel further submits that the General Public and Farmers have raised objection to the quarry which has illegally obtained permission and is carrying out commercial business in close proximity to the residential place and agricultural field. Therefore, the Village



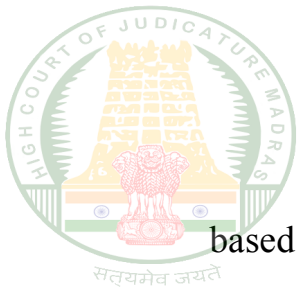
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Panchayat has passed a resolution to close the quarry that on requisition to the District Administration to take action against the illegal mining of the quarry.

5. The learned counsel for the petitioners further submits that the quarry was permitted to operate with 300 meters from the residence and agricultural land which is contrary to the law and therefore, the General Public conducted various demonstration and requested the revenue authorities to conduct inspection for ascertaining the field position of the quarry. After several representations and consistent approach of the General Public, the District Collector directed the revenue authorities to carry out the inspection. Accordingly, the defacto complainant and the Surveyor have assured to come for inspection and carry out the survey on 23.11.2021, but, they have not come for surveying the land. Therefore, the farmers and the general public went to the Village Administrative Office to enquire about the non carrying of survey even after the instructions of the District Collector. For which, the defacto complainant has lodged a false complaint as against them.

6. The learned counsel appearing for the petitioners contends that



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based on the complaint lodged by the second respondent, the first respondent has registered an FIR against the petitioners in Cr.No.387 of 2021 for the offences punishable under Sections 147, 341, 353 and 506(1) of IPC.

7. The learned counsel further contends that after completion of investigation, the first respondent has filed a charge sheet before the learned Judicial Magistrate, Tiruchengode, Namakkal and the same has been taken cognizance in C.C.No.52 of 2023 and it is pending for trial. To quash the said proceedings, the present petition has been filed.

8. The learned Government Advocate (CrI.Side) appearing for the first respondent police reiterated the prosecution case and also confirms that the first respondent has filed a charge sheet before the learned Judicial Magistrate, Tiruchengode, Namakkal and the same has been taken cognizance in C.C.No.52 of 2023 and it is pending for trial.

9. Heard the learned counsel appearing for the petitioners as well as the learned Government Advocate (CrI.Side) appearing for the first respondent police and perused the materials available on record.



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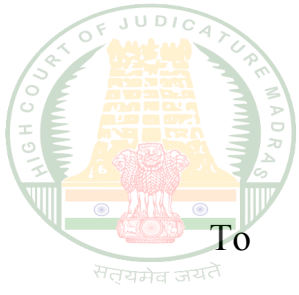
10. On perusal of the materials available on record including FIR, it is revealed that there is absolutely no material to attract any other offence and even the first respondent has filed a final report and the same has been taken cognizance in C.C.No.52 of 2024 and it is pending for trial on the file of Judicial Magistrate, Thiruchengode.

11. Taking into consideration the facts and circumstances of the case and the submissions made by either counsel, this Court is of the view that no charges is made out as against the petitioners and the entire proceedings initiated as against the petitioners under Sections 147, 341, 353, 506(i) of IPC., cannot be sustained and is liable to be quashed.

12. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.52 of 2023 on the file of the Judicial Magistrate, Tiruchengode, Namakkal is hereby quashed. Consequently, the connected miscellaneous petitions are closed.

Vv

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To

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1. The Judicial Magistrate,
Tiruchengode, Namakkal
2. The Sub-Inspector of Police,
Elachipalayam Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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