



WEB COPY

CRL OP No. 4959 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 4959 of 2025

AND

CRL MP NO. 3195 OF 2025

Shanmugam @ Mughilan

Petitioner

Vs

1. The State

Rep By, The Sub Inspector Of Police
Elachipalayam Police Station,
Namakkal District
(crime No 125/2024)

2.MALLIKA

Respondents

PRAYER :- Criminal Original Petition filed under Sec.528 of B.N.S.S., praying to call for the records in crime No. 125 of 2024 pending on the file of the 1st respondent with respect to the petitioner (A 1) and to quash the same in so far as the petitioner is concerned

For Petitioner: Mr. R.Thirumoorthy

For Respondents: Mr. A.Gopinath
Government Advocate (Crl. Side) for R1



ORDER

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This Criminal Original Petition has been filed seeking to quash the FIR registered in Crime No.125 of 2024 on the file of the first respondent police for the offences under Section 189 of the Bharatiya Nyaya Sahita & 170 of Bharatiya Nagarik Suraksha Sanhita r/w 83(2) of Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

3. The case of the prosecution is that the defacto complainant has been serving as the Village Administrative Officer of Kokalai Village. Within her jurisdiction, quarry and crusher units are functioning, against which the petitioner (A1) and other have been regularly staging demonstrations, alleging that the quarry and crusher operations are polluting water sources and agricultural lands. On 06.07.2024, at around 10.00 a.m., the petitioner, along



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with their children and family members, allegedly unlawfully assembled on the land belonging to one Ramasamy, where they installed chairs, a shamiyana (tent), CCTV cameras, and staged a demonstration against the inaction of the District Administration, led by the petitioner.

4. Meanwhile, employees of a nearby crusher unit, namely SPS quarry, raised slogans opposing the closure of the quarry and crusher units, claiming it would affect their livelihood. A rival demonstration ensued, with both groups shouting slogans against each other. Based on the above incident, the defacto complainant lodged a complaint before the first respondent and a case was registered in Crime No.125 of 2024 for the offences under Section 189 of the Bharatiya Nyaya Sahita & 170 of Bharatiya Nagarik Suraksha Sanhita r/w 83(2) of Juvenile Justice (Care and Protection of Children) Act, 2015.

5. The petitioner is a social activist who was invited to address a public meeting organized by the villages to protest against the quarry



operations. The objection was based on the ground that the quarry is situated within 300 meters of agricultural land, which violates the prescribed norms. It

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is alleged that the quarry operators illegally obtained permission and are carrying out commercial operations near residential areas and agricultural field.

Therefore, the petitioner, along with the villagers, planned to hold a meeting to raise their concerns. However, an FIR has been registered for the said action, allegedly at the instigation of the quarry operators.

6. Further, the FIR is pending from 06.07.2024, without any further progress. Therefore, the mere pendency of the FIR would not serve any purpose. That apart, the offences under Section 189 of the Bharatiya Nyaya Sahita & 170 of Bharatiya Nagarik Suraksha Sanhita r/w 83(2) of Juvenile Justice (Care and Protection of Children) Act, 2015 are not attracted as against the petitioner. Therefore, the FIR in Crime No.125 of 2024 on the file of the first respondent cannot be sustained and is liable to be quashed.



7. In view of the above, the FIR registered in Crime No.125 of

2024 on the file of the first respondent is hereby quashed. Accordingly, this

Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

24-02-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sub Inspector Of Police
Elachipalayam Police Station,
Namakkal District

2. The Public Prosecutor,
High Court, Madras



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G.K.ILANTHIRAIYAN J.

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